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SOVIET RUSSIA AND FEDERATED RUSSIA

"A complete separation of these two Soviet States [Russia and the Ukraine] is merely an artificial process, in contradiction with the entire past and future struggle of the Ukrainian workers and peasants. A complete national separation of Ukraine will inevitably lead to an internal national struggle within the Ukraine, and to the magnification of the economic demoralization both in Ukraine and in Russia."—Thesis adopted by the Central Committee of the Communist Party of Ukraine.[1]

"The consolidation of the Soviet Republic and the abolition of national oppression are merely manifestations of one and the same process of emancipation of the workers from the imperialistic yoke."—Resolution of the Tenth Party Congress of the Russian Communist Party.[2]

UNDER the ascendency of the novel and twisted political science of Soviet Russia the doctrine of "self-determination" spread rapidly. The separation of sections of the former Empire to form new states or to unite with other independent countries was a process which extended in all directions. Furthermore, the various parts were cut to suit particular and often temporary purposes. The result was a map of the former Tsarist domains which at times seemed like a jig-saw puzzle.

The shock of the revolution was followed by the appearance of gaping fissures in the structure of historic Russia. The most important of these was the attempted separation of the Ukraine. The Ukrainian separatist movement was significant

[1] Quoted in *Soviet Russia*, Dec. 11, 1920.

[2] *Ibid.*, Oct., 1921.

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not only because it offered the possibility of an enormous extension of German-Austrian power,[1] but also because it revealed a cultural cleavage. The Ukrainian language may be only a dialect of Russian; but it merited the approval of the Russian Academy in 1905 as a subject for special study.[2] How far a Ukrainian civilization may yet develop is still uncertain; however, on a theme such as this it is unnecessary to enter, as the present article is concerned primarily with the ill-fated attempt of the Ukraine to achieve political independence, and with the subsequent gradual reassertion of centralized authority over a reintegrated Russia.

The Ukraine and Soviet Russia

The revolution of March, 1917, found the Ukraine an integral part of Russia. It was inhabited by one of the oldest branches of the Slav race in Europe. As long as the Ukraine was a "frontier" region its tumultuous history had been a story of tribes and chieftains rather than of a settled nation. Attempts to set up a national state had failed and since 1654 it had been definitely recognized as part of the Russian state. As the Russian Empire developed under modern conditions, the importance of the coal and iron in South Russia became increasingly clear. Then as Russia began to export, the value of the Black Sea ports gained. The result was that the Ukraine from an economic point of view was welded to the Russian Empire.[3]

At the same time among a small group of intellectuals the idea of Ukrainian nationality had sporadic support. Since 1846 the movement gained slowly; so much so that the policy of Russification took on new strength to combat this separatist tendency. Naturally the Ukrainian national movement found assistance in Austria, which sought to spread complications of

[1] *Cf.* two interesting articles on "Germany's Ukrainian Policy," by Dr. Paul Schiemann in *Frankfurter Zeitung*, April 20 and May 1, 1919.

[2] *The Ukraine* (Handbooks prepared under the direction of the Historical Section of the Foreign Office, no. 52), London, 1920, p. 30.

[3] *Ibid.*, pp. 15–23.

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this sort within the Russian Empire.[1] The outbreak of the war, however, had for a time united Russia and checked this tendency. Then in March, 1917, came the opportunity for the development of the ideal of autonomy. The Ukrainian nationalists who had been in prison were released; a Ukrainian National Congress was called in April; and for the next few months there was an increasing demonstration of this liberal spirit.[2]

On June 24, 1917, the Ukrainian Rada or Congress issued a decree of autonomy which was opposed by the authorities of the Provisional Government at Petrograd. A temporary compromise, however, was arranged in early July. Then, cutting across this dispute, came the Bolshevik revolution of November. The Rada now saw a chance both to combat the central authority and also to prevent Soviet interference in the South. It consequently issued a "universal" or proclamation on November 20, declaring in the present emergency the temporary independence of the Ukraine, as a component part of a future Russian federation. The language of the decree was more radical than usual as to domestic affairs, because the Rada hoped by social and land reforms to forestall the Bolshevik régime.[3]

It immediately brought to an issue the whole question of the attitude of the Soviet authorities toward nationalities within Russia. This had been stated in their decree of November 16, 1917:

1. Equality and sovereignty of the peoples of Russia.

2. The right of self-determination of the peoples even to the point of separating and forming independent states.

3. The abolition of all privileges and limitations founded on nationality or religion.

4. Free development of national minorities and racial groups inhabiting Russian territory.[4]

[1] *Ibid.*, pp. 25–32.

[2] *Ibid.*, pp. 33–37.

[3] *Current History*, vol. VII, part 2, p. 428. *Cf.* for a general discussion of the Ukrainian question three articles by Margolin and Nikolaieff in *Current History*, vol. XVI, pp. 309, 782 and 1046.

[4] (Petrograd) *Pravda*, Nov. 16, 1917; Antonelli, *Bolshevik Russia*, pp. 157–158.

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We must clearly understand that the Soviet use of the word "people" means "workmen and peasants"; it is "the dictatorship of the proletariat" that this decree refers to, for on it alone depends all political power. This was evident from Trotsky's orders to Krylenko:

> The Ukrainian laboring masses must convince themselves in fact that All-Russian power will place no obstacles in the way of the Ukraine's self-determination. . . . But . . . although we do not intend to impose our will upon the Ukrainian people we are prepared nevertheless with all means to support Ukrainian Soviets in their struggle against the bourgeois policy of the leaders of the present Central Rada.[1]

The Bolsheviki, while adhering to their recognition of the "independence" of the Ukraine, specifically attacked the Rada as assisting counter-revolutionary elements, as disorganizing the army, and as withholding supplies. By the end of December the fight was on between two parties in the Ukraine, each claiming to be the rightful government. On the one hand was the moderate element represented in the Rada at Kiev; on the other hand was the new Ukrainian Soviet at Karkhov, supported from Petrograd.[2] This was evident from the vigorous correspondence between the three parties and from the decree recognizing the Ukrainian Soviet:

> Greeting the genuinely popular Soviet authority of the Ukraine formed in Kharkov and regarding this workers' and peasants' Rada as the real government of the Popular Ukrainian Republic, the Soviet of People's Commissaries pledges to the new government of the sister republic absolute and all-round support in the cause of peace, and also in the task of transferring all lands, factories, enterprises, and banks to the laboring people of the Ukraine.[3]

It will be well to bear this declaration in mind as there remains the still further test as to whether the Russian Soviet authorities kept their pledges. That, however, is a matter for the future.

[1] *Izvestia*, Dec. 8, 1917.

[2] *Ibid.*, Dec. 18, 20, 21, 28, 29, 1917; Jan. 3, 4, 1918.

[3] *Ibid.*, Dec. 30, 1917.

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The immediate problem was further complicated by the negotiation of peace at Brest-Litovsk. Here came a delegation of the Rada claiming independent power to make a separate peace. In vain Trotsky protested; he produced at a later stage a Ukrainian Soviet delegation which disputed furiously the right of the Rada delegation. Meanwhile sharp fighting took place in the Ukraine for the control of Kiev. The representatives of the Central Powers soon cut short the dispute by signing on February 9, 1918, a separate peace with representatives of the Rada, and later in March, by requiring that Soviet Russia should enter into direct negotiations with the government at Kiev as to peace and as to the drawing of the northern and eastern boundaries between the Ukraine and Soviet Russia.[1]

On January 28, 1918, the Ukrainian Rada again proclaimed its independence;[2] but in view of Bolshevik military successes the Rada appealed on February 17, for German assistance to restore order.[3] This the Central Powers undertook in such fashion that by the end of April they dissolved the Rada itself, and Skoropadsky, a former tsarist general, was proclaimed as Hetman of the Ukraine. In reality Skoropadsky was nothing but a German tool.[4] The Rada in the meantime had begun peace negotiations with Moscow, which were taken up by Skoropadsky on June 13, 1918.[5]

The period of German control in the Ukraine was a time of oppression and disorder. In May a peasant revolt broke out

[1] *Current History*, vol. VIII, part 1, p. 63; *Texts of the Ukraine "Peace"* (Washington, 1918), p. 9 *et seq.* Bitter denunciations of the Rada are to be found in *Negotiations leading to the Brest-Litovsk "Peace"* (Washington, 1918). Also note *Izvestia*, Jan. 4, 11 ("The Rada and German Imperialism"), 16, 31, 1918.

[2] *The Ukraine*, p. 37.

[3] *Current History*, vol. VIII, part 1, pp. 51–52. The influence of Germany is evident from the language of the Ukrainian note: "This barbaric invasion of our northern neighbors once again, under hypocritical pretexts, sets up as its aim, as earlier in our history, the destruction of the independence of our State. . . . In this hard struggle for our existence we look around for help. We are firmly convinced that the peaceful and order-loving people of Germany will not remain indifferent when it learns of our distress." *Cf. Izvestia*, Feb. 14, 17, 19, 1918.

[4] *The Ukraine*, p. 38; *Current History*, vol. VIII, part 1, p. 453.

[5] *Izvestia*, March 22; April 2, 4, 7, 9, 27, 30; May 9, 15, 18, 25, 28, 29; June 1, 4, 5, 6, 7, 13, 16, 1918; *Texts of Ukraine "Peace"*, p. 155.

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by way of protest against German seizure of supplies.[1] Later, General von Eichhorn, in command of German troops at Kiev, was assassinated. That, however, was only an incident of the steadily increasing popular dislike of the Germans. Thus Rakovsky, who was both nominally head of the Ukrainian Soviet and also a Russian delegate at the peace negotiations at Kiev, spent part of his time protesting to the German diplomatic officials on their failure to fulfil the peace terms of Brest-Litovsk.[2] Finally on October 10, 1918, a rupture occurred; Soviet delegates were arrested and their papers searched. This led to a great hue and cry in the Soviet press.[3] Larger events, however, were now brewing. With the armistice of November 11, 1918, came the rapid withdrawal of troops by the Central Powers. Skoropadsky was got rid of and in December the Ukraine was derelict.[4]

There were for the next year, 1919, three contending military forces in the Ukraine trying to secure authority. First was Petlura, a Ukrainian adventurer, who rallied to himself the moderate socialist elements of the former Ukrainian Rada. This government called itself the Directory and was for a short time nominally in control of most of the Ukraine. Petlura, however, had engaged to set Eastern Galicia on its feet. In this he was opposed by the Poles; and within a few months they had overthrown the boasted independence of the Ruthenians, driving their forces to join Petlura in Podolia. There Petlura finally made an agreement in 1920 with the Poles by which they were to conquer Kiev for him and assist him in setting up a state which would be in many ways an appanage of Poland. The disastrous results of this attempt are already well known.[5]

The second military force which tried to secure control of

[1] *Current History*, vol. VIII, part 2, p. 264.

[2] *Izvestia*, June 18, 19, 20, 21, 22, 25, 26, 27, 28; July 2, 6, 8, 9, 12, 13, 16, 31; Aug. 4, 18, 23, 27; Sept. 15, 25; Oct. 1, 10, 1918.

[3] *Ibid.*, Oct. 12, 15, 22, 29, 30, 31, 1918.

[4] *The Ukraine*, p. 40; *cf.* also pp. 49–54 on Ukrainian nationalism.

[5] *Izvestia*, Jan. 10, 12, 1919; Radek on "Poland and the Ukraine" in *Soviet Russia*, Aug. 28, 1920.

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the Ukraine was that of General Denikin. Between May and September, 1919, practically the entire Ukraine was under his control. As Prince Mirsky describes it: "But Denikin's Government also failed to satisfy anyone. The White troops were everywhere (especially in the south and east) welcomed at first, but everywhere in two or three months they were heartily hated. The looseness of their discipline and their contempt for human life and property made them a pest to the population." [1]

Denikin defeated Petlura, but was in turn rapidly forced to retreat before the third army in the field—Trotsky's Red Army. By the first of 1920 not a single White soldier remained on Ukrainian territory. The struggle for the Ukraine, therefore, resulted in a decisive victory for the Soviet authorities. These at the outset maintained that they were not fighting the Ukraine and that the Soviet forces in that region were those of the Ukrainian Soviet under Rakovsky.[2] They declared:

> This is the same struggle of the working people for its complete emancipation that is going on in Lithuania, Latvia, Esthonia, Poland and White Russia against the rule of the exploiters and oppressors, both native and foreign, against all their agents and lackeys. . . . The policy of the Directory with respect to the Allied Powers, however, is nothing but a repetition of the old policy of the Ukrainian Rada with respect to German imperialism, with whose military forces it helped to enslave the Ukraine. . . . We must convince ourselves, first of all, that the Directory has ceased the struggle against the working masses of the Ukraine and has decided to defend her liberty against the threatened offensive of Anglo-French and American imperialism.[3]

In the meantime there was no question but that Lettish and Chinese troops were enlisted in the Soviet struggle. Kharkov and Kiev were temporarily held. Rakovsky was in power at both places; but he declared that "until the Ukraine has its own Red Army it counts on the support and experience of the

[1] Prince D. S. Mirsky, "The Ukraine" in *The Quarterly Review*, April, 1923, p. 333.

[2] *Izvestia*, April 2, 1919.

[3] Note of Chicherin in *Izvestia*, Jan. 10, 1919.

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Great Russian comrades and that the constitution of the Russian Federative Soviet Republic has been adopted by the Ukraine." Again he stated on April 9, 1919, that "until the complete organization of a regular Ukrainian Red Army and the abandonment of the guerrilla form of warfare we trust in the support of Great Russia. In a word we shall strive for complete solidarity with the Russian Soviet authority."[1] This made it plain that in Soviet Ukraine Russian Soviet forces were really reconquering territory that had claimed to be independent. Out of this solidarity of purpose there was later to develop the system of alliance and federation.

With reference to Allied troops at Odessa the Soviet Ukrainian authorities were particularly bitter. At Odessa were French and Greek forces against whom Rakovsky violently protested.[2] He declared that "the bestialities committed by the French and the Greeks recall by their brutality Asiatic tortures of the middle ages."[3] This was possibly due to the fact that French troops and French sailors became mutinous while on this foreign service in the Ukraine. They were anxious to return home and they seem to have been affected by the proximity of the Bolsheviki. The result was the evacuation of Odessa, which was occupied by the Bolshevik forces who themselves engaged in an orgy of atrocities. Of course there was the added difficulty caused by bandits who shifted back and forth; but these generally toward the end of 1919 became known as the Green Guards and preyed severely on the retreating forces of Denikin.[4] Altogether the situation in the Ukraine and in the Crimea at the beginning of the year 1920 was appalling.

The final stage in this confusion was the attempt of General Wrangel from the Crimea to restore the fortunes of the anti-Bolshevik forces—the remnants of General Denikin's army. In this he first fell foul of the British who had been negotiating in the spring of 1920 with Soviet authorities as regards the dis-

[1] *Svernaya Kommuna*, April 10, 1919.

[2] *Izvestia*, April 9, 11, 1919; *Vechnie Chass* (Odessa), April 4, 9, 1919.

[3] *L'Ukraine Soviétiste*, p. 19. The entire correspondence is vigorous, pp. 10–35.

[4] Bechhofer, *In Denikin's Russia*, ch. vi. *Cf. Izvestia*, Oct. 19, 1920.

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posal of these forces. The British decided to withdraw their military mission and to refuse any more supplies. This led the French, who had been eagerly watching the victorious advance of the Poles against the Soviet forces in May, 1920, to try to restore the anti-Bolshevik front in South Russia. The supplies and money furnished were not sufficient to enable General Wrangel to oppose the new attack launched at him in October, 1920, by the Red Army. This in turn was possible largely because of the armistice concluded between the Poles and the Soviet authorities. Although an able military leader, General Wrangel was forced back and on November 14 took refuge on a French warship in Sevastopol harbor. There followed hordes of refugees who fled to Constantinople and later were dispersed in Jugoslavia and elsewhere. Thus came to an end the military history of anti-Bolshevik attempts in Southern Russia. The Soviet was supreme, for Petlura was also driven away from Kiev, a refugee.[1]

Earlier Lenin had declared:

> We must finish with the enemy in the course of the next months. The masses themselves will rise and every individual will become an agitator; in that way the masses will create a force that cannot be broken, which will guarantee a Soviet Republic not only in Russia but in the whole world.[2]

Soviet Russia and Soviet Ukraine

So in the spread of the Soviet system lay the justification of the extension of the example of revolution. There was, of course, the added fact that the Ukraine was essential to Russia from an economic point of view. The cooperation of the military forces of both Soviet Russia and Soviet Ukraine was

[1] *Soviet Russia*, Dec. 25, 1920. A note on French responsibility for this situation includes the following: "The French Government which egged on Poland to begin this war against Russia . . . and which has done everything in its power to prevent the reestablishment of peace between Russia and Poland, seems now to be pursuing the object of continuing to prolong the sufferings of the working classes in eastern Europe".

[2] *Izvestia*, April 25, 1919 (speech to railwaymen, April 11); *cf. Izvestia*, Dec. 17, 1919.

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to result in an alliance which was not based merely on military necessity. During these four years of constant warfare the government of the Ukraine had almost lapsed. "The idea of a united and anti-Russian Ukraine had fallen flat; and the future of Ukrainian political thought may lie only in the development of the idea of a local self-administration within the limits of a large (and possibly loose) federation."[1]

The question in 1920 was how to formulate the relations of the two states. At first the Ukraine under Rakovsky was inclined to magnify itself. Lenin understood this when in January, 1920, he addressed the Workmen and Peasants of the Ukraine on the occasion of the defeat of Denikin.[2] He stated first:

> It is self-evident and fully and generally acknowledged that only the Ukrainian workmen and peasants themselves, at their own All-Ukrainian Congress of Soviets, can decide the question of whether the Ukraine is to merge with Russia or is to remain an independent separate republic, and in the latter case what kind of federated union is to be established between that Republic and Russia.

Lenin then went on to speak of the dangers of nationality, of the way in which bourgeois societies used it to "strengthen the power of capital". He declared that there must be "an international union of workmen, an international brotherhood of workmen. We are opponents of national hostility, of national antagonism, of national patriotism. We are internationalists." We aim at the union "of all nations of the world into a single world-wide Soviet Republic." He spoke of the centuries of oppression and distrust which must be overcome. The question of state frontiers was secondary and unimportant. By the recognition of the independence of the border Baltic States he hoped to win the confidence of "their toiling masses". He thought the idea of the complete independence of the Ukraine sprang from distrust of the Great Russian. For the present,

[1] Mirsky, *op. cit.*, p. 335.

[2] (Petrograd) *Pravda*, Jan. 6, 1920; *cf. Izvestia*, Jan. 10, 1920; *Wireless News*, Moscow, Jan. 21, 1920.

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common action to combat bourgeois schemes was best. A united front must be maintained "as an example of actual solid alliance" of workmen and peasants in the struggle for the fundamentals, for "the dictatorship of the proletariat", for Soviet authority, for the destruction of "the yoke of landlords and capitalists, for the "World Federative Soviet Republic."

A year later, after the negotiation of peace with Poland and after the expulsion of Wrangel, Soviet Russia and Soviet Ukraine finally signed, on December 28, 1920, a treaty of military and economic alliance.[1] The following commissariats were united: (1) the supreme economic council; (2) war and navy; (3) foreign trade; (4) finance; (5) labor; (6) transportation; (7) posts and telegraphs. Article VI of the treaty reads as follows:

> The direction and control over the united commissaries shall be exercised through the All-Russian Congress of the Councils of Workmen and Peasants, and Red Army Delegates, and through the All-Russian Central Executive Committee, to all of which the Ukrainian Socialist Soviet Republic shall send its representatives in accordance with the decision of the All-Russian advisory congress.

This meant practically that except for foreign affairs, agriculture, education and justice practically the entire direction of of the more important branches of government was vested in Russian hands with the participation by the Ukrainian delegates. Rakovsky commented that "joint warfare and joint work will doubtless make the union closer and stronger in the future".[2] Mirsky concludes that "to all intents and purposes it [the Ukraine] is a province of Bolshevik Russia" and adds, "as for the Bolsheviks, however long they may last they will never be other than a thin (if well woven) net of military despotism thrown over a practically ungoverned population".[3]

[1] *Current History*, vol. XVII, p. 107; *cf. Wireless News*, Moscow, March 28, May 18, Oct. 9, Dec. 1, 9, 1920; *Izvestia*, July 12, 1920; *Soviet Russia*, March 27, Dec. 11, 1920.

[2] Quoted in *Ost-Information*, Berlin, no. 89, Jan. 8, 1921.

[3] Mirsky, *op. cit.*, p. 335.

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Thus "self-determination" had come to mean only "self-determination by a Soviet", and that was limited in practice so that gradually and practically the authority of Moscow as exercised by the Communist party was supreme in most essential matters. However, there was the second conception—that of a federated Russia. Here we come to the real political function of the Communist party. It is first of all an international organization. Its center is at Moscow in the Third International. "In each Soviet state, the supreme control of all state activities must be in the hands of a national Communist party, which is hierarchically subordinate to the Executive Committee of the Third International". It is the duty of every Communist party in each country in the world to endeavor to secure the adoption of a system of politics which will take orders from the Moscow Executive Committee. The recognition of the independence of Esthonia or of the Far Eastern Republic was due to temporary causes. The real purpose was the eventual domination of the Communist group in each of such countries. Then inevitably and of necessity such a country would federate with Russia. This step would take place under the direction of the Central Executive Committee at Moscow.[1]

Under such circumstances it is apparent that both by the interpretation and practice of "self-determination" and by the application and development of the idea of "federation" there was possible an immense extension of power directed by Moscow. It was the demonstration of the "dictatorship of the proletariat" as exercised by the handful of men who controlled and guided the power of the Communist party in Russia. Moscow was to become a new international Rome. Naturally this could be accomplished only by persistent propaganda. As Pasvolsky says:

> Thus what is sometimes asserted to be the "nationalistic" policy of the Soviet régime with regard to Russian unity is merely a direct development and unfolding of the communist policy of world revolution.

[1] Resolutions of the Tenth Party Congress of the Russian Communist Party, quoted in *Soviet Russia*, Oct., 1921, pp. 162–166.

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The efficacy and permanency of this solution of the question are obviously bound up inseparably with the continuation of the work of the Third International, which has been defined by its own leaders as the "general staff of the world revolution".[1]

So Rakovsky in an article on "Soviet Russia and Soviet Ukraine" writes of the centralization of power which must result from this plan.

> The tendency of socialistic revolution is political and economic centralization, provisionally taking the form of international federation. Of course the creation of this federation cannot be effected by the stroke of the pen, but is the result of a more or less extended process of elimination of particularism, provincialism, democratic and national bourgeois prejudices. . . .[2]

In practice, however, what was the importance of having foreign affairs in the hands of Soviet Ukraine? The personal qualities shown by Rakovsky during these years had made him too valuable and too strong a man to neglect.[3] His cooperation was, therefore, an element in the situation. Furthermore the size and location of the Ukraine were also to be considered. The Ukraine was 174,510 square miles with a population of 26,000,000. It contained the most important coal and iron deposits in European Russia and was also the richest agricultural region. As Michael Pavlovich (Weltman), an acute Soviet writer, described the situation:

> The burning question of the stomach, the acute inexorability of the need for the Ukrainian flour bag, the Ukrainian sugar bag, has forced strategists who were conducting the campaign against the Soviet Republic, to choose for their advance on Moscow not the shortest way, but without question the route by way of Kiev and other Ukrainian cities.[4]

The ports of the Black Sea also were important for trade and

[1] Pasvolsky, "The Reunification of Russia", in *Yale Review*, April, 1922, p. 572.

[2] Rakovsky in *Soviet Russia*, Dec. 11, 1920, p. 571.

[3] *Cf.* biography of Rakovsky in *Soviet Russia*, May 21, 1921.

[4] Pavlovich (Weltman), in *Soviet Russia*, Dec. 4, 1920.

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for propaganda. All of these factors made the control of Ukrainian foreign relations a serious matter. The remains of Ukrainian nationalism were worth cultivating, particularly in view of the character of the economic relations which had formerly existed with Poland and indeed with Central Europe.

Actually, however, the fact that the Ukraine was associated with Soviet Russia in signing the treaty of Riga with Poland was of little significance. For a time the Poles maintained a legation at Kharkov but they soon found that important questions were settled at Moscow. Indeed Rakovsky soon gave authority to certain Russian diplomats abroad to act for the Ukraine.[1] When the Genoa Conference convened, an all-Russian delegation was sent which included Rakovsky; and the various "independent" states of Russia signed a preliminary protocol pledging the unity of Russia in the negotiations. Yet occasionally there was an assertion of the independent quality of negotiation and signature that served as a reminder of the federal character of Russia. Thus the American Relief Administration, before its workers could enter the Ukraine without danger of arrest, was obliged to secure from the Ukraine an agreement identical with that signed with Soviet Russia.

The entire matter of the relation of the two states is excellently treated in an interview with Yakovlev, the acting Commissar for Foreign Affairs of the Ukraine.[2] He notes first of all that the principal problem of Ukrainian foreign policy was to secure recognition by other states and in that fashion to dispose of the claims of previous Ukrainian governments, particularly that of Petlura. Naturally in this Poland was chiefly concerned; as she was also in disputes regarding the enforcement of the treaty of Riga. Commercial relations with Czechoslovakia had been put on a stable basis. In negotiations with Germany and Austria regarding the repatriation of prisoners a way was found to initiate proposals for a commercial treaty and to study ways and means regarding German investments in the Ukraine. With Turkey a treaty to promote friendly rela-

[1] *Wireless News*, Moscow, March 28, 1920.

[2] *Izvestia*, Aug. 13, 1922.

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tions had been signed; and with Italy a trade agreement. In like fashion treaties had been signed with Lithuania, Latvia and Esthonia. In Bessarabia, on the contrary, relations with Rumania continued to be stormy. Within the Russian Federal State economic relations were cordial, especially with Russia itself and with Armenia and Azerbaijan.

In this connection, Yakovlev went out of his way to define the foreign policies of both Soviet Russia and Soviet Ukraine. He referred to the alleged "political supremacy" of Russia and said:

> The foreign policy of the Ukraine has not nor cannot have any interests other than common with Russia which is just such a proletarian state as the Ukraine. The heroic struggle of Russia, in complete alliance with the Ukraine, on all fronts against domestic and foreign imperialists, is now giving place to an equally united diplomatic front. The Ukraine is independent in her foreign policy where her own specific interests are concerned. But in questions which are of common political and economic interest to all Soviet republics, the Russian as well as the Ukrainian Commissariats for Foreign Affairs act as the united federal power.

In other words Moscow controls their united policies.

The Soviet Rêgime and Federated Russia

This discussion of the relations of Soviet Russia and Soviet Ukraine leads naturally to a consideration of the whole problem of nationalities, the organization of the Soviet Foreign Office, and the efforts made to regulate the relations of Federated Russia. The question of "nationalities" is perhaps one of the most complicated problems of the entire scheme of Soviet policy. One of the chief difficulties arises from the gradual shifting of boundaries which has taken place. These have been and are being altered to meet economic rather than racial facts. The idea has been that the notion of the economic dependence of one part of Russia on the other should be emphasized. To this end liberties have been taken in certain cases with ethnic distribution. Furthermore, the process is not complete; indeed, no sooner is one map drawn than another is

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needed to note the changes which have been made. For this reason it is the principles which are of significance, rather than the detailed alterations.

If we include Mongolia, there are today thirty-one divisions of Russia which in varying degrees have certain attributes of independence or autonomy or which are allied with Soviet Russia. Mongolia is an allied dominion which claims independence from China and is at present occupied by Soviet troops. The Far Eastern Republic was ephemeral. It was an independent, allied state which for reasons of diplomacy was not federated with Moscow, though in practice it had such a rank. Its disappearance in November, 1922, was due to the fact that its usefulness had ended and Soviet Russia was once more in power on the Pacific as the Japanese withdrew their troops from Vladivostok. There are the independent federated socialist Soviet Republics of the Ukraine and White Russia, and the three Caucasian states of Georgia, Azerbaijan and Armenia. The three last named are themselves federated in a single Trans-Caucasian Socialist Soviet Republic, whose capital is at Tiflis. This is also federated with Russia.

The existence of such states is thus defined in a thesis of the Central Committee of the Communist Party of Ukraine:

> Of all the Soviet republics that have thus far existed, only Soviet Russia has been able victoriously to resist international and internal counter-revolution, and to deal smashing blows to its opponents. Soviet Russia alone holds the geographical conditions, as well as the economic and political resources, which make of it an impregnable fortress against all the attacks of international imperialism. . . . [It is] the leader and organizer of the international proletariat in the struggle against international imperialism. Each new Soviet republic, impelled by the instinct of self-preservation, will seek support from Soviet Russia. And effective alliance with Soviet Russia is the revolutionary duty of every new Soviet state.[1]

The conditions here described apply to all such states. The degree and character of the alliance may differ in some cases but the principle is clear. In the case of autonomous divisions

[1] Quoted in *Soviet Russia*, Dec. 11, 1920, p. 572.

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of Russia, theses adopted by the tenth Communist Party Congress of 1921 serve as a definition of their status: [1]

. . . the victory of the Soviets and the establishment of the dictatorship of the proletariat are fundamental conditions for the abolition of the oppression of peoples, the creation of equality among nations, and the guarding of the rights of national minorities. . . . The national Soviet Republics . . . can not maintain their existence and overpower the united forces of imperialism unless they unite in a close union of states. . . . The experiences of Russia in the application of the various forms of federation and in the transition from a federation based on Soviet autonomy . . . to a federation based on a treaty between the independent Soviet Republics, as well as the admissibility of intermediate steps, has fully corroborated the practicability and elasticity of the federative system as the common form of Government alliance between the Soviet Republics. . . . The abolition of actual national subjection will here constitute a very long process, requiring a persistent and stubborn battle against all the remnants of national oppression and colonial enslavement.

Under these rather dry formulas there have developed in Russia a series of autonomous republics or regions which because of either racial or social and economic interest constitute convenient units of administration. These do not constitute bodies with an independent foreign policy, and from a diplomatic point of view they are integral parts of Soviet Russia. The tendency is to increase the influence of the central authorities. This is evident from the direction exercised by Moscow to prevent local and ardent communist parties from rushing an autonomous region too fast toward the theoretically ideal form of sovietism and also from the degree of actual control which rests invariably with Moscow. A list of these regions is given in the footnote.[2]

[1] *Soviet Russia*, Oct., 1921.

[2] *Statesman's Year Book, 1923;* various notes and lists are to be found in *The Russian States, A Description of the various Political Units existing on Russian Territory* (London, 1922). The following "independent" republics have been recognized: The Ukraine Socialist Soviet Republic, The Georgian Socialist Soviet Republic, The Armenian Socialist Soviet Republic, The Azerbaijan Socialist Soviet Republic, The White Russian Socialist Soviet Republic, the Khorezm (Khiva) People's Soviet Republic, The Bokhara People's Soviet Republic, the Far Eastern

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Turning now to the functions of the Russian Soviet Foreign Office, we find included in its field of action both the independent federated and allied states and the normal foreign relations of the government. Changes of personnel and modifications of bureaucratic organizations were frequent during the first three years; but beginning about 1920 there is a more definite and organized régime. The earlier stages of diplomatic intercourse were often full of difficult passages and sudden changes, some of which have unquestionably given authority to charges of bad faith on the part of the Soviet authorities.

Furthermore, the language of the Russian Foreign Office shifted from time to time. Thus Trotsky on December 16, 1917, referred contemptuously to diplomatic "recognition". He declared that the "Soviet authorities are absolutely indifferent to this detail of diplomatic ritual"; and defied the diplomatic world by stating that the "Soviet government considers diplomatic intercourse necessary not only with governments but also with revolutionary socialist parties bent on overthrowing existing governments".[1] In similar fashion he denied to foreign embassies in Russia the right to draw funds on deposit in Russian banks unless the funds of the Tsarist and Provisional Government embassies were turned over to the Soviet authorities.[2] Temporarily diplomatic communication in code was also denied to foreign representatives in May, 1918.[3] Later in August–September came the arrest of consular officials in

Republic and the Mongolian People's Republic. The following provinces or governments have been given autonomy: Turkestan, Kirghiz, Tartar, Bashkir, Daghestan, Mountain (North Caucasian), Yakutsk, Crimea, Akbasia and Zyriansk. The following are autonomous regions: Karelian Labor Commune, German Volga Commune, Khalkhas, Votiak, Karatchayev, Cherkess, Mari, Chuvash, Kabardin, Kalmuk, Buryat (Mongol) Far Eastern Region (since Nov., 1922, the name of the Far Eastern Republic). This list differs from any so far published and it may be out of date within a short time. *Cf.* also *Sotsial Democraat* (Reval), Feb. 12, 1921; an official bulletin (1921) of the "People's Commissariat on Affairs of Nationalities," p. 14; *Soviet Russia*, April 30, 1921; *Moscow Wireless News*, Feb. 6, 1920; Sept. 4, 7, 1921; *Pravda*, Nov. 24, 1921; Castagné, *Le Bolchévisme et l'Islam* (Paris, 1922), pp. 75–76. *Official Map of Soviet Russia*, 1922.

[1] *Izvestia*, Dec. 16, 1917.

[2] *Ibid*, Jan. 18, 1918.

[3] *Ibid.*, May 16, June 1, 1918.

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Moscow. Such measures, however, were soon stopped, for they placed the Soviet authorities in the unenviable position of having deliberately broken their pledges. The difficulties with regard to diplomatic communication and representation have in recent years arisen largely because of charges of smuggling on the part of foreign diplomats.

With regard to Russian diplomatic representation abroad naturally one of the first steps of the Soviet government was to dismiss from their posts both Tsarist and Republican representatives. This applied in the United States to the dismissal of George Bakhmetev who was formerly Tsarist ambassador at Washington.[1] By an oversight Boris Bakhmetev, who was appointed Russian Ambassador at Washington in the days of Kerensky, was left untouched. The appointment to London of Litvinov and of Karpinsky to Switzerland as "temporary plenipotentiary" did not have effect in a diplomatic sense for neither man was received at his post.[2] Later Joffe was sent as an envoy to Berlin and Kamenev to Vienna.[3] The former, however, was soon expelled from Germany for his activities in propaganda. The procedure on the appointment of other diplomatic agents seems to have been full of confusion for a time.[4] Thus on June 4, 1918, a decree was passed stating that Soviet Russia "is guided in its international relations by the principle of recognition of absolute equality of great and small nations" and therefore all envoys were to be known as "plenipotentiary representatives". Furthermore this was to apply to foreign diplomatic representatives in Russia.[5] This, however, was found to be impossible. Persia, Turkey and Afghanistan have to-day full-fledged embassies at Moscow; and Mirbach, the

[1] *Collections of Laws and Orders*, 63, Nov. 28, 1917. Actually George Bakhmetev had resigned from the diplomatic service immediately after the abdication of the Tsar in March, 1917, on the ground that he was a convinced monarchist. He was the only Russian diplomat to resign on that account. Maklakov, Kerensky Ambassador in Paris, was dismissed by special decree.—*Gazette*, Dec. 13, 1917.

[2] *Gazette*, Jan. 5, 1918.

[3] *Izvestia*, April 6, 1918.

[4] *Ibid.*, April 10, May 18, 23, 1918.

[5] *Ibid.*, June 4, 1918.

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German diplomat who was assassinated, was also an ambassador.[1]

Later as the government became more organized the Foreign Office underwent a reorganization and beginning in 1920 a formal annual report of the Commissariat was made.[2] The office was divided into (1) political department for western affairs; (2) political department for eastern affairs; (3) economic and legal department; (4) press and information department; (5) administrative department. The staff was rapidly increased; thus it rose from 609 to 1301, between January 1 and December 1, 1921. This is not an excessive number, when we consider that the higher figure includes 450 guards and when we realize that in addition to the few formal diplomatic representatives present in Moscow there are several commercial and trade agencies. More particularly, in addition to the independent federated republics, the allied Republics of Bokhara, Khiva and the Far Eastern Republic were also included in the list of governments whose affairs have been considered by the Soviet Foreign Office. Of course this does not take into consideration the staffs maintained both at home and abroad for propaganda and revolutionary purposes. The interlocking directorate of the Soviet government and of the Third International serves to emphasize this subject.

The fact of the representation of the independent republics brings us back, however, to the original subject—the efforts made to regulate the relations of the federated and allied states lying within the boundaries of the former Russian Empire. This was the subject of much study which finally led to the signature of a treaty between Soviet Russia, Soviet Ukraine, the Trans-Caucasian Soviet Republics and the White Russian Soviet Republic on December 30, 1922.[3] This is in effect a joint decree; it is based on experience and has the effect of a

[1] The *Izvestia* was full of wild rumors as to the whereabouts of various foreign diplomats,—March 12, 19, 30, 31, May 23, 1918. *Cf. Izvestia*, July 7, 1921 (Regulations regarding Foreign Representatives in Russia).

[2] *Annual Report of the Commissariat of Foreign Affairs to the IX Congress of Soviets*, Moscow, January, 1922 (in Russian).

[3] *Current History*, vol. XVII, p. 653.

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new joint constitution. Its importance cannot be minimized, particularly when we recall that these relations were to be the model for future agreements in the event of the spread of Bolshevik ideas by the world revolution or by alliance with other states.

The treaty provides in the first place for the unification of the republics as "The Alliance of Socialist Soviet Republics". Its sovereign power is vested in the Congress of the Alliance and, when that Congress is not in session, in the Central Executive Committee. This Congress elected 270 representatives for Russia, 68 for the Ukraine, 26 for the Trans-Caucasian Republics, and 7 for White Russia to form the first Executive Committee. The Congress in turn was composed of the representatives of the city soviets, every 25,000 electors delegating one deputy, and of the representatives of the Provincial Soviet Congress, every 125,000 inhabitants delegating one deputy.

Obviously the Central Executive Committee elected at annual meetings of the Congress is too large a body to remain continuously in session. It meets three times a year but may be called in extraordinary session at any time. Consequently a præsidium of nineteen members is chosen from the committee in which the sovereign power rests during the intervals between meetings. There is in addition a Council of People's Commissaries composed of the chiefs of the various departments involved. This is really the executive of the Central Executive Committee.[1] A Supreme Court for the Alliance is set up. The decrees and decisions of the Council of the Alliance have almost complete authority; they can be abrogated only by the Central Executive Committee. On the other hand the decrees and decisions of the individual Councils of the separate republics may be annulled by the Executive Committee or by the Council of the Alliance, though "every Republic retains the right of unhampered withdrawal from the Alliance". Moscow is its capital. A single flag, a coat of arms, and a seal are provided.

[1] This "Sovnarkom" consists of the following members: Chairman and Vice-Chairman of the Council, the Commissaries for Foreign Affairs, War and Navy, Foreign Trade, Transport, Posts and Telegraphs, Workmen's and Peasant's Inspection, Labor, Food, Finance and the President of the Supreme Economic Council.

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The grant of powers to the Alliance, and consequently ordinarily to the Council, is sweeping. It includes practically everything, from shoes to sealing wax, and is a complete list of the ordinary functions of government.[1] All of these are an absolute grant. The result of course is a definition of power for the Alliance, which is predominantly Russian. Under such circumstances the fiction of freedom is absurd; "self-determination" is in reality centralization; and the entire doctrine of nationality is now openly swept aside before the authority of Moscow which is supreme.

On the basis of this treaty a new constitution was promulgated in the summer of 1923. Its provisions need not detain us except in so far as they may affect the federated status of Russia. Thus there was objection by the Ukraine in April to the organization of an upper house which should contain one hundred and twenty members. These were to be elected in-

[1] Article I of the Treaty gives the list as follows: (a) representation of the Alliance in international relations; (b) modification of the external boundaries of the Alliance; (c) conclusion of treaties on the admission of new republics into the Alliance; (d) declaration of war and the conclusion of peace; (e) raising of external loans; (f) ratification of international treaties; (g) establishment of fundamental principles regulating home and foreign trade; (h) establishment of fundamental principles and of general schemes regulating the united national economy of the Alliance and the conclusion of treaties of concession; (i) regulation of affairs relating to the transportation system, posts and telegraphs; (j) establishment of the fundamental principles regulating the organization of the armed forces of the Alliance of Socialist Soviet Republics; (k) ratification of the unified State budget of the Alliance of Socialist Soviet Republics, the establishment of the currency, monetary and credit systems for the Alliance and separate republics and the local taxes; (l) establishment of the general principles regulating the holding of land and the distribution of land holdings as well as the exploitation of mineral beds, forests and waters in all the territories of the Alliance; (m) general allied legislation relating to migration; (n) establishment of the fundamental principles regulating the judiciary system and the court proceedings, as well as the criminal and civil legislation of the Alliance; (o) promulgation of the fundamental labor laws; (p) establishment of the general principles regulating public education; (q) promulgation of general measures bearing on the protection of the public health; (r) establishment of a common system of measures and weights; (s) organization of an Allied statistical service; (t) constitutional legislation relating to allied citizenship and to the rights of foreigners; (u) the right of general amnesty; (v) abrogation of such decrees promulgated by the Soviet Congresses, Central Executive Committees, and Councils of People's Commissaries of the republics forming the Alliance as infringe on the stipulations of the treaty of Alliance."

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directly by all the various regions of Russia, including Russia itself, the Ukraine and so on to the smaller of the semi-autonomous districts. Each of these was to elect four members. The Ukrainian protest was against the admission of four members for each of these districts, many of which are virtually under the absolute control of Moscow. This protest was partially successful in that the new Council of Nationalities is composed of "five representatives for each federated and autonomous republic and one representative for each of the autonomous provinces."[1]

The præsidium is composed of twenty-one instead of nineteen members but its composition is of the same type. The Central Executive Committee has the sole power to revise and confirm "all decrees and ordinances that determine the general rules of the political and economic life of the Union of Socialist Soviet Republics". The Union Council of People's Commissaries is as under the treaty of December 30, 1922, and includes both Foreign Affairs and Foreign Trade. Here the real power rests. There is no pretense about the entire constitution; it is absolutist in its spirit and tsarist in its conception. An oligarchy is substituted for the will of the nation and in practice it rules. As Rakovsky pointed out, the tendency of socialistic revolution is toward centralization. Here we have not a constitution on the American model but the formal restoration of an imperial power. The new S. S. S. R. has taken the place of the R. S. F. S. R. and power has been still further concentrated in the hands of a small group of leaders at Moscow.

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[1] The text of the new constitution is given in *The New York Times*, Aug. 12, 1923.

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THE ZEMSTVO SYSTEM AND LOCAL GOVERNMENT IN RUSSIA, 1917–1922

I

ONE of the most remarkable monuments of legislative creation of the Russian Revolution of 1917 was the system of laws which democratized Russian Zemstvos and municipalities.

During the fifty years of their existence, Russian Zemstvo institutions have succeeded in creating quite a peculiar Russian Zemstvo *milieu*, a special type of Zemstvo social worker, large contingents of Zemstvo employees, as well as in solving in the proper way problems of general education, public medical service, ways of transportation, agronomy and economic assistance to the population. However, Russian Zemstvos until 1917 were based on a system of self-government far from rational. The Zemstvo legislation of 1890, one of the corner stones of reactionary reform in the epoch of Alexander III, introduced three undemocratic modifications of the then existing system, viz:

(1) It assured the prevalence of representatives of the nobility in Zemstvo assemblies.

(2) It subordinated Zemstvo councils to the influence of the central government by introducing a system of confirmation of the election of representatives and members of the councils, and even appointment of council members in case candidates elected by Zemstvo assemblies had been twice rejected by the central government.

(3) It placed Zemstvo institutions in almost complete dependence upon central authorities, introducing a system of supervision of the usefulness of actions of the Zemstvo organs by officials of the Ministry of the Interior.

Thus Zemstvo institutions found themselves in the hands of the nobility, and were subordinated to the Ministry of the Interior.

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A second and probably still more important defect of the Russian Zemstvos was the absence of a firm foundation for the structure. Application of the principles of Zemstvo self-government to townships, and the creation of a small Zemstvo unit which was to establish a close connection between Zemstvos and large circles of the peasant population, were considered by the Russian public as urgent political problems, at the very dawn of the development of Zemstvo institutions. However, these ideas were only realized in a bill of the Temporary Government of May 25, 1917. It must not be forgotten that the great obstacle to the introduction of township self-government before the war was the negative attitude of the majority of the State Council, as the bill on township Zemstvos was worked out in the third Duma and before the beginning of the war was rejected by the State Council.

Thus the task of democratizing Zemstvo self-government, of liberating it from the supervision of the central government, and of creating a small Zemstvo unit, originated before the Temporary Government was established.

In a whole series of laws worked out in special commissions at the Ministry of the Interior, the Temporary Government created a new democratic system of local government. The law of May 25, 1917, concerning township government created a firm foundation for the new democratic Zemstvos. The whole population of the township was invited to participate in elections of the township Zemstvo assembly, and executive organs were freely elected by township Zemstvo assemblies; almost all the questions of local interest were referred to the township Zemstvos and supervision of their activities was so organized that it by no means violated the general principle of the independence of Zemstvo self-government, albeit certain rights were given to the county and provincial Zemstvos for the supervision of activities of the township Zemstvos.

After creation of the long-awaited small Zemstvo unit, a general reform of Zemstvo institutions was accomplished. It is characteristic that the old Zemstvo Constitution was used as a basis for the new law, and thus a new democratic Zemstvo structure was built upon the foundations laid in 1864. The

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scheme of Zemstvo institutions remained in many respects the same as it was created during the era of great reforms (1860–1865); but radical changes were made in (1) the electoral system, (2) the position of executive organs, (3) jurisdiction and (4) supervision.

(1) The electoral system was based on the idea of a general, direct, equal and closed vote, with the application of proportional representation. All Russian citizens of either sex who had reached twenty years of age were invited to take part in elections. Elections of county Zemstvo representatives were carried out directly by the population of the county and independently of elections of township Zemstvo representatives. Representatives of the provincial Zemstvo assembly were elected by the county Zemstvo assembly on the principle of proportional representation.

(2) Presidents and members of councils were made entirely independent of the central government and its organs and were freely elected by Zemstvo assemblies.

(3) The jurisdiction of Zemstvo organs was considerably extended and embraced almost all the questions of the local government (including the local police).

(4) Finally, Zemstvo self-government was made entirely free of any supervision of the usefulness of its activities by the central government, and the whole system of supervision was built with the purpose of preventing unlawful activities only.

Late in the summer of 1917 elections of township Zemstvo representatives took place, and in the autumn, those of county Zemstvo representatives. In a number of provinces, new township Zemstvo assemblies were called and township Zemstvo councils were elected during the months of September and October. Moreover, in many provinces in the months of October, November and December, county Zemstvo assemblies were called.

Thus the inauguration of new democratic institutions coincided with the end of the Temporary Government, and partly even ran into the first weeks of the Bolshevist régime.

When the central government in Petrograd was seized by

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the Bolsheviks, in the provinces the Temporary Government Zemstvo institutions were still in force, and new Zemstvo assemblies, elected in accordance with the new Zemstvo legislation, were convening. A number of county Zemstvo assemblies had sent telegrams to the Prime Minister, greeting the Temporary Government. Newly elected county Zemstvo assemblies elected new executive organs—councils which were to take the place of the councils elected in the beginning of the Temporary Government's régime. The majority of provincial assemblies elected in accordance with the new Constitution had not succeeded in convening. Still in several provinces democratized provincial councils tried to convoke provincial Zemstvo assemblies which, even before they started to work, were scattered by the Bolsheviks, and provincial representatives belonging to bourgeois parties were often arrested and sometimes executed. Extremely difficult was the situation of Zemstvo councils. The central government having been seized by the Bolsheviks, and an armed struggle being carried on in Moscow, which struggle also resulted in a Bolshevist victory, the fate of the provincial and county councils was certainly sealed. Having no support from the center, surrounded by inimical forces, separate Zemstvo councils were being arrested by local Bolsheviks or by emissaries from Petrograd and Moscow. The new democratic Zemstvos created by the Temporary Government had not had time to start work, or even to organize themselves, before the Bolshevist coup d'état, which passed under the slogan of a struggle against bourgeois democracy and moderate socialism, precluded every possibility of achievement or even of existence on the part of the new Zemstvo institutions.

It would be extremely interesting to follow the process of the destruction of Zemstvos. In the destruction of the historical bases of Russian culture by Bolshevist authorities, the destruction of Zemstvo institutions has probably played the saddest rôle, for with the annihilation of Zemstvos, with the breaking of the traditions of Zemstvo culture, was destroyed an enormous social work molded by several generations. One can trace three methods of annihilating Zemstvo institutions prac-

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tised by the Bolsheviks during the winter of 1917–1918 (in several distant counties the Bolsheviks seized the Zemtsvos only at the end of the winter of 1917–1918):—

(1) In some places, especially in industrially developed counties, a kind of inside explosion took place; if among the members of the council there happened to be a representative or representatives of the Bolshevist party, they drove away their colleagues with military assistance, and, having seized power, introduced Soviet methods.

(2) In a number of counties and provinces, local Bolsheviks, together with the left wing of the Social Revolutionaries, formed military revolutionary committees with the assistance of military reserve units, sometimes with the assistance of military revolutionary detachments of a special character sent from Petrograd for this purpose. They then arrested Zemstvo councils and created Soviet institutions.

(3) There were also counties where this change was performed not by local Bolsheviks but by special detachments sent from the central government.

II

In what then consisted the Soviet system of local government introduced by the Bolsheviks instead of the annihilated Zemstvo institutions?

During the first weeks of their existence the Bolshevist authorities did not feel themselves firmly enough established, and looked for support to the organs of the local government. Thus, on the strength of a decree of the People's Commissariat of Agriculture published early in November, township land committees were to be elected by the township Zemstvo assemblies, and "to function as the organ of the township Zemstvo."[1] Then in a decree of November 24, 1917, concerning the right of recalling delegates, the Central Executive Committee resolved that "the Conference of Soviets of Workmen, Soldiers and Peasants convoked (on an equal scale) in each respective

[1] *Decrees and Regulations of the Workmen's and Peasants' Government*, no. 2, article 20.

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election district, has the right to institute reelections of all municipal, Zemstvo and other representative organs not excluding the Constituent Assembly. The reelections themselves take place *in the ordinary way* on the strict basis of proportional electoral system".[1]

So in the very beginning the Bolsheviks acknowledged the whole system of local government created by the Temporary Government in general, and the city and Zemstvo electorate in particular. To local conferences of Soviets was given only the right to recall elected representatives, but new elections were to be carried on *in the ordinary way* in accordance with the elections of the Temporary Government.

However, such a transitory situation did not last long. The decree of the Central Executive Committee of December 18, 1917,[2] created a special Commissariat for local government "in order to coordinate the activities of all the city and Zemstvo institutions", and on the newly-created Commissariat was laid the task of introducing the principal features of the Soviet régime into the system of local government. But on December 24, that is, on the fifth day after the election of the Commissariat for local government, there appeared a decree recognizing Soviets of Workmen's, Soldiers' and Peasants' Deputies as organs of the local government, which decree was accompanied by the Commissariat's instruction to all the local Soviets regarding the local government. In this instruction for the first time were outlined the principal details of the Soviet municipal policy. Here is the text of this decree:

ORGANIZATION OF LOCAL GOVERNMENT

Respected Comrades,

The Revolution of October–November having overthrown the bourgeois government, transmitted the power to the proletarian and half-proletarian masses, to their class organizations or councils;

[1] *Decrees and Regulations of the Workmen's and Peasants' Government*, no. 3, article 49.

[2] *Ibid.*, no. 10, article 153.

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The Central Power—the Temporary Workmen's and Peasant's Government (Council of People's Commissaries) is created by the central organ of Soviets, the second all-Russian Congress of Soviets.

As to the local government, the Soviets are the organs of the local power, and all the administrative, economic, financial and educational institutions are to be subordinated to them.

Such a system of organization of central and local authority is nothing more than an outward expression and confirmation of the political fact that the power in the country is in the hands of the proletarian element.

Taking this principle as the basis and logically putting it into practice, we come to the following plan of organization.

All the former organs of the local government, District, Province and County Commissaries, Committees of Public Organizations, Township Councils, etc., must be replaced by District, Province, County and Township Soviets of Workmen's and Peasants' Deputies respectively. The whole country must be covered with a network of Soviet organizations, which must be closely connected with each other; each one of these organizations is entirely independent in questions of a local character and coordinates its activities with decrees and regulations of those larger Soviet organizations of which it forms a part. In this way is formed the Republic of Soviets, a uniform organism, every part of which works in perfect harmony.

In view of the fact that peasantry is less organized than other elements of democracy, special attention must be given to the organization of Soviets of Peasants' Deputies, and to their close connection with Soviets of Workmen's and Soldiers' Deputies. When organizing Soviets of Peasants' Deputies, it is necessary to have in view that only the really democratic proletarian or half-proletarian elements of the village should be represented, and that no place should be given to wealthy landowners, merchants and other adherents of the capitalistic system.

The People's Commissariat for home affairs is to coordinate the activities of all the organs of local government, that is, local Soviets. Without such coordination, the Soviet power will never develop into a perfect whole which alone can give it the maximum stability.

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> We request all Soviets to send to the Commissariat for Home Affairs, Department of Local Government, all information as to how far the local Soviets have succeeded in taking control of administrative machinery and in becoming institutions regulating all the local activity, as well as information regarding the putting into practice of decrees of the Council of People's Commissaries, the general local situation, etc. On such conditions only will the Soviet Power grow into a firm rock against which all attempts of the bourgeoisie to regain power will be broken.

Later on, other ideas of this municipal program were developed and explained in the Constitution of the Socialist Federated Soviet Republic, of July 10, 1918, and in legislative acts of 1920 concerning the organization of the village and township local government, which acts represent a codification of the previously issued decrees of the local government.[1] Comparing and analyzing the articles of the Constitution and decrees, one can picture the present situation of local government in Russia. One must keep in mind, however, that the electoral practice in Soviet Russia is such, that not a single party in opposition to the Soviet régime has the possibility of being fairly represented in any Soviet institutions, including local Soviets. This practice is based on a special decree which excluded from the Soviet institutions all representatives of opposing parties. Later on this decree, although in a slightly more veiled form, was confirmed by Article 23 of the Constitution of the Russian Socialist Federated Soviet Republic, reading as follows:—

> In the interests of the working class as a whole, the Russian Socialist Federated Soviet Republic deprives separate individuals as well as groups of any rights which may be used by them against the interests of the socialist revolution.

The Soviet Republic represents a peculiar federation of local

[1] Decree of All-Russian Central Executive Committee on Village Councils, *Decrees and Regulations 1920*, no. 11, article 68, and Decree of All-Russian Central Executive Committee on Township Executive Committees, *Decrees and Regulations 1920*, no. 20, article 103.

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Soviets in accordance with Article 10 of the Constitution, which reads:

> The Russian Republic is a composite socialistic society of all the working people of Russia. All the power within the limits of the Russian Socialist Federated Soviet Republic belongs to the working people of Russia united in town and village Soviets.

The franchise is uniform for all kinds of Soviet elections. It is set forth in Articles 64 and 65 of the Constitution of July 10, 1918.

The right to vote may be exercised by citizens of either sex having reached eighteen years of age, who at the same time fall within one of the following categories:

> (a) Those who earn their living by productive and generally useful work, and those who do housework which enables the former to perform productive work, namely, workmen and employees of all kinds and categories working in industry, trade, agriculture, etc., and peasants and Cossacks who do not use hired help with a view of profiting thereby;
>
> (b) Soldiers of Soviet Army and Navy;
>
> (c) Citizens belonging to the aforesaid categories, who are for some reason unable to work.

Among those deprived of electoral rights either passive or active are included, together with lunatics, criminals, monks and clergy, all persons employing hired help with a view to profiting thereby; all persons living on income from interest on capital, proceeds of enterprises, income from estates, etc.; as well as all private merchants, and trade and commercial brokers. Thus all so-called "not working" elements are barred from elections; and electoral rights are declared to belong only to workmen and peasants.

Soviets of Workmen's, Soldiers' and Peasants' Deputies are elected in towns and villages.[1] In villages with a population of over ten thousand people an executive committee of three

[1] Village Soviets are elected at the rate of one deputy for 100 inhabitants.—Constitution, article 57, and *Decree on Village Soviets, 1920*.

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members is elected as an executive organ, and in villages with a population below ten thousand, the Soviet itself carries all the functions of the executive committee.[1]

However, the most interesting articles of the Constitution and of the Decrees of 1920 are those which concern the questions of jurisdiction and extent of rights of the organs of local government.

The scope of activities of Soviet organs of local government is formulated most completely in Paragraph 17 of the Decree on Township Executive Committees.[2] This scope consists in "strengthening Soviet Power, uniting and organizing township proletariat, village poor and peasants with moderate means, and struggling against parasitic elements".

Moreover, on the strength of Article 61 of the Constitution, local organs of Soviet Power must put into practice all the regulations of the respective higher organs of Soviet Power, and must take all measures in order to develop a given territory in an educational and economic sense. The principle of complete subordination of local government to the central power is most frankly expressed in Article 13 of the Decree of 1920 on Township Soviets, according to which the latter must "fulfill all the orders of the higher organs of Soviet Power". It is easy to see that such regulations of Soviet decrees concerning the jurisdiction of local organs made the latter completely dependent upon the orders of the central government. All orders of any kind must be fulfilled implicitly by local organs. If one remembers that the Soviet régime does not know the differentiation of power and the difference in conception of a law and a decree, one can understand that every administrative regulation of the Soviet power must necessarily be carried out by all local Soviets. So there is no doubt that local government institutions have no independence whatsoever, and therefore in Soviet Russia local self-government does not exist.

Such is the system of Soviet local government. Local

[1] Article 58 of the Constitution and Paragraph 8 of the Decree of 1920.

[2] *Decrees and Regulations, 1920*, no. 20, article 103.

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Soviets elected on the basis of the proletarian electoral system and executive organs elected by them are institutions of local government, but in their activity these organs of proletarian local government are greatly restricted by regulations of the central power, and are under its permanent supervision. Not a single measure undesirable in the opinion of the central power or interfering with its orders can be put into practice, for the central power has the right to recall every regulation of local Soviets and the latter have to fulfill implicitly all orders of the higher organs of Soviet power. The idea of self-government is utterly destroyed, and the whole system of local government is based on the acknowledgment of the dictatorship of the working class which is incarnated in a whole system of Soviets in such a way that all local institutions are entirely subordinated to the Soviet central power. The Zemstvo system and Revolutionary Communism are two entirely incompatible conceptions. Communism, like every revolutionary movement, has a positive tendency to centralization and denies the gradual evolutionary development of society, whereas the idea of the Zemstvo, on the contrary, consists in the acknowledgment of local interests and jurisdictions, which are different from the interests and jurisdiction of the central power. Moreover, this idea rests on the principle of a gradual evolution of social and economic life; it is a tradition of peaceful cultural work, deeply opposing, in its very nature, revolutionary destruction. Therefore it is not to be wondered that Bolshevist methods of government proved to be entirely incompatible with Zemstvo institutions, and the latter were destroyed.

However, every social system, every Russian government which will build, and not destroy, which will organize production, and not waste riches of the country, inevitably will have to revive local self-government, and the regeneration of Russia is possible only through common participation in it of all the creative forces of the country, and first of all, of Zemstvo and city self-government.

Organs of Zemstvo government were replaced by Soviet organizations, but Zemstvo schools and Zemstvo hospitals still continue to exist. It is true that this existence is a miserable

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one (there are schools without schoolbooks and other accessories, and hospitals without medicine), but nearly all the teachers and doctors have remained at their posts and continue their work, doing their utmost in spite of extremely hard and trying living conditions. In a number of counties, Zemstvo hospitals left without means are supported by the local citizens who understand perfectly well the necessity of preserving an organization of this character. People who worked in institutions of Zemstvo government before are still on hand, and many of them work in Soviet institutions as specialists. In old Zemstvos, the third estate played a most important rôle also, as the entire everyday actual work of Zemstvo institutions was carried out by the council with the assistance of the third estate. The part which the third estate has in Soviet administration is still more important, as one seldom meets among local executive committees people who are well enough equipped for administrative work or people who have enough experience and education for it. The Soviet system of local government is more and more concentrated in the hands of specialists—the third estate.

III

Among local factors which are destined to assist in the economic and social regeneration of Russia, cooperative societies will play the leading part. The Bolsheviks subordinated all the cooperative societies to Soviet authorities, but the ideas and experience of these societies still exist, being embodied in the personnel inactive for the time being. Cooperative societies were very little developed in Russia; nevertheless, there were counties, and even provinces, where cooperative organizations had been working for some time, and in counties distant from the capital their work was carried on in close harmony with local Zemstvos. There is no doubt that former members of cooperative societies will give valuable service to future local government, lending their experience and their energy to the regenerated institutions of self-government.

Local Soviets are tightly bound with the cobweb of complete dependence on the central power; the electoral system, on the basis of which they were elected, firmly secures the prevalence

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of the proletariat. Every organized opposition in the Soviets is pitilessly destroyed at its very birth. But let the central power totter, and local Soviets may very likely discontinue their subordination to the communistic central government, and there is no doubt that if really free elections could be effected, that is, with the participation not only of privileged proletarian aristocracy, but of all the local population, then certainly the complexion of the Soviets would change entirely, and instead of being obedient to the communistic central authority, they would really represent local interests and needs. In that transition era which will inevitably come at the time of Russia's return from communism to normal forms of contemporary human society, the most practical thing to do will be to take as a basis local Soviets freely reelected by the whole population. They will serve as temporary organs of local government, after which reestablished democratic Zemstvos will come. The extremely difficult task of the reestablishment of normal conditions of civilized life and regeneration of Zemstvo traditions will confront these future Zemstvos.

It is therefore necessary to outline, although vaguely, the probable and desirable organization of future Zemstvo self-government. Democratized local Soviets, that is, local Soviets transformed from organs in which are represented only workmen and the poorest peasants into really representative bodies, may serve as merely temporary, so to speak transitional institutions of local government. The problem of creating really democratic self-government resting on the local population, and independent enough in its work, must be put before the government which will have to strive for the regeneration of Russia. New democratic Russia can be built only on the firm foundation of democratic local government. The process of transformation of local Soviets from organs of proletarian dictatorship into institutions closer to local interests and requirements is effected by life itself.

Several village and township Soviets lately reelected are gradually eliminating Communists and are conducting their own policy independently of the central government. Contrary to Bolshevist legislation and in spite of all the efforts of the Com-

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munist capital, the ever-persistent requirements of life succeed in breaking the iron bands of Bolshevist decrees. The Soviet government, in an effort to secure loyalty to communism, if only of executive organs of local Soviets, issued an order that chairmen of township Soviets must necessarily belong to the Communist party, and thus have to be Communists *ex officio*.

What then should be those bases on which local government must be reestablished? The Communist experiment teaches us much, and one of its chief arguments is the argument *ab contrario*. The drawbacks of the Bolshevist system of local government are so evident, they strike one so forcibly, that on the ground of criticism of the present Soviet local government, and having in mind the long practice of former Zemstvo institutions, one can outline the fundamental scheme of the future organization of Russian local government.

First of all let us consider the electoral system. Communist Zemstvo electoral legislation rests on the census principle similar to the Zemstvo electoral system prior to 1917. The old system was based on the idea of proprietorship census, whereas the Bolsheviks admit to polls only such citizens as satisfy rather indefinite requirements of a professional character. These are "workmen and employees of all kinds and categories" and "peasants and Cossacks, landowners who do not employ hired help with a view to profiting thereby". All other citizens are deprived of municipal voting rights and thus the very idea of a modern democratic state is denied, i. e., the idea of the generality of electoral rights. Only chosen ones, and not all, are admitted to the polls. They probably are in the majority, but still there are whole classes of citizens not admitted to vote. Such an electoral right is not general. The new Zemstvo electoral system must be built not on the idea of a professional census, but on a basis of real equality and the invitation to all to participate in the solution of problems of local government. The whole population of village, township, county or province should elect Zemstvo deputies, and no exemptions for one part of the population and privileges for another should be permitted. Only on condition of the participation of all citizens in Zemstvo elections will the Zemstvo government become really a government of the people.

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Zemstvo assemblies (local Soviets) elected on the basis of equal electoral rights must enjoy the free and independent right to elect their executive organs, presidents and members of councils. No restrictions of any kind for Zemstvo assemblies to elect their executive organs should exist. It is self-evident that the system of confirmation by the government of appointments of those already elected should not be allowed as it was according to Zemstvo Statute of 1890. Equally inadmissible is the present system whereby the president of the executive committee must necessarily belong to the Communist party, as well as the requirement that no representatives of parties opposed to the Communist oligarchy may participate in executive organs. A free and independent Zemstvo will exist in Russia only when Zemstvo assemblies elect their executive organs freely and independently of any outside will—that of the government or that of any political party.

The jurisdiction of Zemstvo self-government should be precisely defined by law, and all questions of local life, all local needs and requirements, should be handled by the local government; the central government must not interfere with the activities of local institutions, reserving however general supervision of the fulfilment of its regulations and orders by such local institutions. General legislation must of course establish a general system of education, medical help, means of transportation, agronomic assistance to the population, and other matters concerning the work of Russia's regeneration; but the practical application of these schemes of general legislation should be left entirely to local Zemstvo organs. They must be independent in fulfilling the tasks entrusted to them, and no outside authority should have the right to interfere with their activities either by revoking their lawful regulations or by ordering them to act outside their jurisdiction. Permanent interference with Zemstvo work, and close and petty supervision of its activities were characteristic of the governmental policy towards Zemstvos prior to 1917. This attitude of the government towards Zemstvos is brilliantly characterized in Count S. Y. Witte's pamphlet, *Absolutism and Zemstvo*, but local institutions fell into even more definite slavery with

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the Soviet power. Local Soviets cannot take a step without the consent and direction of the central government, and in their work they must always be led by its orders and regulations. Every order of any administrative authority higher in hierarchy of Soviets must be implicitly fulfilled by local institutions. At the same time, free, democratic self-government can exist only in a régime of freedom and respect for law. Proper satisfaction can be given to all social and economic needs of the local population only when local institutions know definitely and in advance their rights and obligations, and, secure in the knowledge of their jurisdiction as outlined by the law, can declare that they will not fulfill any orders of the government which are not in strict accordance with the law. There is no self-government where local institutions are not independent.

Lastly, one of the most essential questions is the question of mutual relations among village, township, county and province Zemstvo bodies, and the ways of electing county and provincial organs of self-government. There is no doubt that the larger organs of local government will always take the leading part in Zemstvo work of the future. This was the case formerly, and provincial Zemstvos always attracted the most prominent Zemstvo executives and the most experienced working staff. Besides, the budget of provincial Zemstvos always afforded a wider scope of activities and Zemstvo undertakings, and the prestige of provincial Zemstvos among the majority of county Zemstvo assemblies was very high. The same applies, even in a greater degree, to township local institutions; the latter will of course never be able either to exercise the wide scope of activities of provincial and county Zemstvos, or to develop as broad a system. There is no doubt that the local government of future Russia will rest on the friendly cooperation of all local institutions, with a certain predominance, however, of provincial Zemstvos over county Zemstvos and of the latter over township Zemstvos.

If provincial and county Zemstvos take a leading part as regards their relations towards township self-government, then of course considerable importance attaches to the question of the

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electoral system, which should guarantee that in the election of provincial Zemstvo representatives, the needs and interests not only of each county but also of each township will be properly served. The Temporary Government established such a system of elections that township and county Zemstvo assemblies were elected directly by the population and had no personal connection with each other. It would be desirable that, in the future, elections of county Zemstvo representatives should be carried out by township Zemstvo assemblies, so that direct connection between township and county assemblies should be established. At the same time it is certain that the work of county Zemstvos requires more experienced and educated executives than do the township Zemstvos, and it would therefore probably be wise to let county Zemstvo assemblies elected by township assemblies enlarge their membership by electing supplementary county Zemstvo representatives, as is done in England in the choice of aldermen. These county assemblies could elect, in order to complete their contingent, such people as would be useful to them on account of their experience and activities. Provincial Zemstvo representatives could be elected by county Zemstvo assemblies on the basis of proportional representation.

Such a system of self-government would secure the election of local institutions by the whole local population, and at the same time, their independence of the central power.

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COMPULSORY VOTING

THE history of the nineteenth century is to a large extent the story of the conflict between the democratic movement, which demanded a popular vote, and the old "legitimist" system, of which Metternich was the most devoted protagonist. In England, it is true, the divine right of kings had already been discredited for a long span of time; but its place had been quickly taken by a belief in the divine right of things as they are, a doctrine which offered almost as much resistance to the progress of political democracy as did the more openly avowed monarchical autocracy of Germany, Austria, Italy, Russia, Spain and (to a lesser degree) France. Almost everywhere in Europe the cry was for a popular franchise; and, broadly speaking, by the end of the century the demand had been fulfilled in the Western countries, though the right to vote was not always accompanied by the grant of a parliamentary executive in order to make the vote effective.

The problem of the twentieth century has shown itself to be that of persuading the peoples to make use of the right for which they clamored: to get them not only to vote in a responsible manner, but to get them even to vote at all. In Great Britain we have recently emerged from a period of great excitement in which the question of dominant interest was to discover how 14,039,562 citizens cast their votes; and in the heat of that excitement we have almost overlooked the no less significant fact that 4,649,948 men and women did not make any use whatever of their right to vote. That is, one person out of every four on the register abstained from voting. Yet, with the possible exception of the Swiss, there is no nation so highly educated politically as the people of England; and a seventy-five per cent poll is relatively a high one.

There is no material available with which to give an exact analysis of the reasons which caused these four and a half million persons to abstain from voting at the general election. We know that some of them were deterred by sickness, others

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by their occupation, absence abroad, ignorance, apathy, general disgust with politics or a disbelief in their efficacy, and in some cases by a dislike of all the candidates available. But it is not possible to make a quantitative statement showing the number of abstentions due to each of these causes and all we can do is to compare the percentages of abstention in the various classes of constituencies. The highest figure was in the London boroughs, where over forty per cent of the electorate abstained; then come the Scotch counties with just under forty per cent; then the English counties with twenty-seven per cent; then the Welsh counties (including Monmouth) with twenty-three per cent; then the Scotch boroughs with twenty-one per cent. The highest polls recorded were in the English and Welsh boroughs, where eighty-three per cent and eighty-one per cent of the electorate voted respectively.

The problem presented by abstention from voting is much more acute in many places abroad, and several countries have adopted the expedient of compelling the elector to vote under pain of a legal penalty if he abstain without good cause. Before discussing the merits of the principle, it will be well to examine a few examples of its application.

The earliest experiments are to be found in Switzerland, the home of democratic inventions. The idea appears first in the eighteenth century and seems to have evolved out of the remembrance of an ancient custom by which members of the Landsgemeinde of Schwyz were required to wear their swords at the Assembly Meetings; for apparently if a member did not put in an appearance, or turned up without his sword, he was subsequently refused admittance to the free dinner given on these occasions to the citizens of the canton. However this may have been, the system of compulsory voting was progressively introduced into one after another of several of the Swiss cantons. In St. Gall, for example, it was laid down in 1835 that absence without sufficient excuse from the district-assembly elections should be punished by a fine of five florins, and absence from the communal elections by a fine of two florins. The law was reenacted in 1867 and 1890 and a series of excuses which were to be regarded as legally valid

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were solemnly enumerated. Similar laws are in existence in the cantons of Argovie, Thurgovie, Shaffhouse and Uri. The average percentage of voters for the federal elections in these cantons varies from seventy-six to eighty-four, which does not seem remarkably high in view of the system adopted; but it is a higher percentage than in any of the cantons where "free" voting exists.

It is obvious that in order to be effective as a method of inducing a refractory electorate to go to the polling station, the infliction of a penalty for abstention without good cause must be rigidly and universally applied. The fact, therefore, that in Spain, where a system of compulsory voting nominally exists, over forty per cent of the electorate frequently abstains from voting in Madrid, and as much as eighty per cent in some of the country districts, indicates *inter alia* that the law is, in this respect, a dead letter. In Argentine, where one would hardly expect to find an energetic administration of a compulsory voting system, the results are much more promising. A provision making voting obligatory was introduced a few years ago with other reforms securing secrecy and an honest count, by President Roque Saenz Peña; and at the first federal election held under the new law in 1912 the percentage of voters rose from a very low figure to eighty-four per cent in the capital and nearly sixty-nine in the provinces, while in 1916 the average for the whole country was sixty-three per cent. It may be added that secrecy and honesty in the counting of the votes were novelties which greatly assisted the improved result.

Compulsory voting has been in force in many other countries or provincial districts during the past half-century. It was made part of the law in Bulgaria in 1882; it was passed by the Austrian Empire as a measure upon which the provincial diets might exert "local option", and which had been adopted by some half-dozen of them before the war; it has long existed in a peculiar form in New Zealand; and it was introduced into Baden and Bavaria in 1881. In Bavaria a novel method of penalizing the abstainer under certain circumstances was invented. It was laid down that a minimum poll of two-thirds of the total electorate was required; and if this was not obtained

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the voters who had failed to vote were charged with the expense of a fresh election. The latest converts to the system are Czechoslovakia and Holland. Compulsory voting formed part of the important Dutch Electoral Reform Law of 1917; and the negligent or recalcitrant citizen who fails to vote is now brought before the burgomaster and may be subjected to the heavy fine of three florins for the first offense and ten florins for each subsequent offense.

In Czechoslovakia compulsory voting became part of the constitutional system of the country from the beginning of its existence as a separate state. It applies to both municipal and general elections; and the penalties range from fines of 20 to 500 Czech crowns, or imprisonment up to a period of one month. It is understood that the number of abstentions has hitherto been so large that it has been impracticable if not impossible to enforce the law rigorously. At the last municipal election held in Prague for example, according to an unofficial but reliable estimate, about 50,000 persons (out of 424,680) did not vote; and the courts could not possibly deal with such an enormous mass of offenders.

The country where compulsory voting has been most fully enforced is, however, Belgium. After a discussion lasting some years, *le vote obligatoire* was introduced into the Constitution in 1893. Up to that date the polling had been notoriously low throughout the country. At Brussels in 1861 there was an abstention of over ninety per cent; at Mons in 1871 out of 1600 electors only some 200 voted, and in the same year it was reported to the Senate that out of 13,000 communal electors less than one quarter had gone to the poll. In the provincial elections the abstentions averaged forty-nine per cent in 1880, forty-six per cent in 1890 and fifty-two per cent in 1892; while in the national elections the abstentions were twenty-six per cent in 1870, thirty per cent in 1884 and sixteen per cent in 1892. Then came compulsory voting, introduced partly to counteract the widespread practice of bribing unsympathetic electors to refrain from voting—"*l'argument ordinaire*" being a sum of five francs paid for this purpose "*avec ou sans multiplicateur*".

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Under the system introduced in Belgium the penalties for failing to vote without good excuse were laid down on the following scale. For the first omission, a reprimand, or a fine of from one to three francs. For a second omission within six years, a fine of from three to twenty-five francs. For a third omission within ten years, the same penalty accompanied by the exhibition of the offender's name on a placard for a month outside the Town Hall. For a fourth omission within fifteen years, the same penalties are exacted, but in addition—and this is of considerable value as a deterrent in Belgium—the name of the elector is removed from the register for ten years, during which time he may receive from the state no promotion, distinction or nomination to any office connected with the central or local governments. As a protection against undue severity it is expressly laid down that there is to be no imprisonment for those who cannot pay the fine, nor is the sentence to be inscribed in the police records as an offense, although the case is tried by the justice of the peace, from whom there is no appeal.

The results have been remarkably successful. In 1894, at the elections for the popular chamber, the abstentions were only 5.4 per cent of the electorate, 7.5 per cent in 1896, 5.3 per cent in 1898, and 5.9 per cent in 1900, and this despite a great widening of the franchise. In fact, the proportion of voters to non-voters is normally higher in Belgium than in any country in Europe, perhaps even than anywhere else in the world, and this result must be attributed to a large extent to the system of compulsory voting. For the Senate elections the abstentions are usually a little greater because the property qualifications are heavy and tend to prevent Socialist candidates from standing; and this leads to the refusal of their supporters to vote in a certain number of cases. But even then the proportion has practically never exceeded six per cent in normal times.

The following table gives the figures, wherever available, for the elections for the complete removal of both chambers since 1894.

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House of Representatives

Year.	Number of Electors on Register.	Number of Votes.		Percentage of Abstention.
		Possible	Cast.	
1894	1,354,891	2,085,605	.....	5
1900	1,472,953	2,269,414	2,135,036	6
1912	1,745,666	2,814,089	2,684,098	5
1919	2,102,710	.....	1,860,890	11.5
		Senate		
1894	1,148,433	1,856,838	.....	6
1900	1,243,505	2,020,987	.....	..
1912	1,483,994	2,525,810	2,416,980	4

It is interesting to note the relatively small number of cases in which the machinery of the law has actually had to be used, as is shown by the following:

PROSECUTIONS FROM ABSTENTION FROM VOTING

Central Parliament Elections

Year	Acquitted	Reprimands	Fines
1899 to 1909.....	3,710	3,575	4,624
1910	313	326	428
1911	17	26	10
1912	755	709	737
	Provincial Elections		
1899 to 1909.....	1,199	2,557	2,806
1910	9	6	12
1911	19	9	19
1912	339	415	498
	Commune Elections		
1899 to 1909.....	2,833	2,365	2,764
1910	25	33	22
1911	916	125	206
1912	294	311	236

Total Convictions

1899 to 1909	18,691
1910	827
1911	395
1912	2,906

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It may be observed that in 1912 there was a complete renewal of both the House of Representatives and the Senate in the central government elections; and the occurrence of these two events in a single year undoubtedly accounts for the increase in the number of convictions *in that year*, for the percentage of abstentions was very low in both cases, as can be seen from the previous table. The electoral system in Belgium provides for a series of elections partially renewing the two chambers as well as for complete general elections: thus, half the legislative body was renewed in 1902, another half in 1906, and so on.

The average number of convictions worked out at three per thousand electors between 1902 and 1908, for example; but the number of cases coming before the justices of the peace varies largely according to the month in which the election is held, for, during the harvesting season, large numbers of Belgian agricultural workers emigrate to neighboring countries to help gather in the crops; and this naturally increases abstentions.

What are we to think of this method of bringing pressure to bear upon the enfranchised citizen in order to compel him to use his vote? We have seen that systems of compulsory voting have been introduced progressively into many countries of a greatly dissimilar character; and that in the case of a country such as Spain, where the administration is notoriously slack, the effect has been imperceptible, whereas in Belgium, where the machinery of Government is fairly efficient, the system has been strikingly successful in reducing the proportion of abstentions. Most remarkable of all is the fact that this result has been achieved with a very small number of judicial actions.

It is true that a citizen, like the horse in the old proverb, can be brought to the polling station but cannot be made to vote; and it is necessary to remember that the abstention figures do not include blanks or spoiled voting papers. The real question, however, is not whether a certain proportion of resentful electors will deliberately spoil their voting papers if they are brought to the polling station by the pressure of a penalty—and this possibility must always remain unless the impractical

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alternative of abolishing the secret ballot were adopted—but whether it is a desirable principle that a citizen should be punished if he neglects to make use of a political right. On theoretical grounds this resolves itself into the difficult problem of whether the vote which a citizen possesses is indeed a mere right which he may or may not use according to his pleasure, or whether it is a social duty, an obligation to the community the fulfilment of which the state should enforce. It is possible to adhere to the latter point of view as a general conception and yet realize that in those cases where all the candidates in the field are repugnant to the elector, it would be absurd to call it a social duty to make him vote for any one of them. In these cases, however, the blank ballot-paper might attain a real significance in registering the elector's dissatisfaction with the available choice before him; but in that event the idea of a successful compulsory voting system fades away and we see that all that we are reasonably justified in enforcing is compulsory attendance at the polling station.

Whether that is or is not a desirable thing to attempt to enforce by means of legal "sanctions" depends entirely upon practical considerations. It is, indeed, in our opinion a great mistake to argue for or against a proposal of this kind on the abstract plane of what is or is not theoretically justified in the life of the state. The whole question should resolve itself into what is practically expedient or the reverse: that is to say, into a weighing of actual advantages against actual disadvantages. If there are reasonable grounds for believing that the threat of a small fine or other penalty would induce a large number of electors in this country who do not ordinarily vote to give the necessary time and attention to the business of casting their votes to the best of their ability; if such an attempt to make the apathetic elector vote did not cause widespread irritation and was not regarded as an act of petty tyranny; if it could be shown that the application of the system might be as beneficial in Great Britain as a method of political education as it appears to have been in Belgium where, according to Professor Barthélemy, "*il y a aujourd'hui unanimité sur l'excellence de l'obligation de vote qui a été un moyen efficace d'éducation poli-*

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tique": if all these purely practical advantages could be claimed for the system, then we should certainly favor its adoption in this country. But without a very full investigation, which has not as yet been even attempted, it is impossible to predict the effect of the introduction into Great Britain of this continental invention. In the meantime, the enterprising student of political science may try to imagine how the votes of the four and a half million abstainers from the last election would have been cast if they could have been obtained by such a system as we have described; and how their distribution might have affected the representation of parties in the House of Commons.

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MODERN FRENCH VIEWS ON THE DOCTRINE OF THE SEPARATION OF POWERS I

I

THE phraseology which is employed with respect to the structure of governmental organization contains no expressions more familiar than the words legislature, executive and judiciary. No account of any particular government or of the nature of the organization of government in general can progress far without the use of these terms. The natural tendency for the science of government, like other sciences, to proceed by division, subdivision and classification has resulted in a first great division of government into three branches, the legislative, executive and judicial. These terms, therefore, are met at the very outset of any study of the structure of government, and long usage has given them a position from which they seem unlikely to be disestablished. Yet the very familiarity of these terms, as in the case of many current expressions, causes them sometimes to be employed carelessly and loosely; and the confusion in thought inevitably resulting from such use of language has at times given rise to somewhat unnecessary controversy.

Furthermore, just as the notions expressed by the familiar terms legislature, executive and judiciary are sometimes vague and controversial, it is likewise true that the question of the relationship of the legislature, executive and judiciary is answered by a doctrine which is almost equally familiar and gives rise to even more controversy. It is felt that the division of government into the three familiar branches is not merely a convenient arrangement for scientific study but that it somehow represents a deeper division which exists in the very nature of government and which ought to be realized, accordingly, in the organization of any particular government. This is the doctrine of the separation of powers, which M. Jèze calls "one of the most famous dogmas of modern political evangelism".[1]

[1] Jèze, *Les Principes généraux du droit administratif* (Paris, 1904), p. 125.

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It is the purpose of this short study to present some of the views of modern French writers on this famous doctrine. By confining the study primarily to the writings of French students who have, for the most part, written since the establishment of the Third Republic in France we may reduce the problem to more convenient proportions, though interesting historical questions will have to be passed by. Accordingly, there can be no place for an examination of whether or not the doctrine of the separation of powers is as old as Aristotle, nor of what Polybius conceived to be involved in such a separation. Even the founders of the doctrine in its modern form must be dealt with briefly and left behind in favor of more recent thinkers.

With the origin of the doctrine of the separation of powers the name of Locke and, more especially, that of Montesquieu are intimately connected. The influence of these men on the political thought of the eighteenth century is difficult to overestimate, and modern thought is not unaffected by their writings.

Locke's doctrine may be summarized in a few words. He thought that there may be seen in government three powers, which he called the legislative, executive and federative.[1] The last-mentioned is defined as the power of deciding on peace or war and of making treaties. Human frailty, he thought, is such that the legislative and executive powers should not be in the same hands. On the other hand, though the executive and federative powers should be recognized as distinct one from the other, they are normally joined together and are not easily to be separated.

These ideas, containing the germ of the famous doctrine of the separation of powers, which, as M. Esmein says, has gone round the world, were to receive their classic treatment at the hands of another. The real founder of the doctrine was Montesquieu. His *Esprit des lois*, appearing in the middle of the eighteenth century, contains one or two remarks[2] the quotation of which will be sufficient to recall the formulation of this doc-

[1] Locke, *Essay on Civil Government*, § 146.

[2] Montesquieu, *Esprit des lois*, Book XI, chs. iii, iv and vi.

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trine by its modern founder and to serve as a point of departure for an examination of the doctrine as at present understood. "In every State", says Montesquieu, "there are three sorts of powers"; and he goes on to add in unqualified fashion that liberty cannot exist in a state where any combination of two of the three powers is exercised by the same man or group of men. "All would be lost", he writes, "if the same man or the same body of princes or of nobles or of the people should exercise the three powers of making the laws, executing the resolves of the people, and judging crimes or controversies between individuals."

This, in very brief form, is the doctrine of the separation of powers as expressed by its founder in France. He, like Locke in England, was attempting an analysis of the English government as he conceived it to exist at the time of his study. It is customary for those who write of Montesquieu to mention with some amusement the fact that he formulated a doctrine which has been of tremendous influence though it was originally based on a misconception of the nature of the government which it professed to describe. There is no need to stop here to comment on this joke of history except to say that Blackstone himself gives,[1] from the legal point of view, an account of English government similar to that set out by Montesquieu. On the whole, however, the doctrine has received little attention in England: it has influenced in no marked manner the development of the English constitution, and modern writers on the constitution give it little space in their works.

In the United States of America, on the other hand, and in France, both of which countries have had experience with many written constitutions, there has been a more conscious application of the principle; and it is to be found definitely formulated in more than one of these constitutions. In the United States, for instance, the doctrine received expression in several of the constitutions of the individual states in the last quarter of the eighteenth century.[2] A definite example may be seen

[1] Blackstone, *Commentaries*, Introduction, § 1; and Book I, ch. vii.

[2] Virginia, the first state to adopt a complete constitution, and Massachusetts, the last, are cited as examples.

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in the Massachusetts constitution of 1780, which uses language almost identical with that of the constitution of Virginia, which was adopted in 1776 and was the first of the complete written state constitutions. In the constitution of Massachusetts there occurs the following article: "In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men."[1] When the federal constitution of the United States was drafted, no definite expression was given to this doctrine. A general separation of the branches of government was arranged, but in order actually to read into the constitution an expression of the doctrine of the separation of powers it is necessary to adopt the ingenious suggestion of reading together the first sentences of the first three articles, which will make it appear that the legislative, executive and judicial powers are to be exercised respectively by a Congress, a President and a Supreme Court. If the statement of Lord Bryce is to be accepted that Montesquieu was the "oracle" of political philosophy of the framers of the American constitution,[2] it is perhaps desirable to join to it the opinion of de Tocqueville that nowhere in the civilized world is there a people less concerned with philosophy than the people of the United States.[3] The federal constitution was the work of practical men little interested in doctrine and theory; and the *Federalist*,[4] so often quoted, expounded the ideas of Montesquieu chiefly as a theoretical justification of the constitution after the fact.

It was naturally in France that the writings of Montesquieu had their greatest influence, and there are to be found in the constitutions of the Revolutionary period several categorical state-

[1] Constitution of Massachusetts, 1780, part I, art. XXX.

[2] Bryce, *American Commonwealth*, vol. I, ch. ii.

[3] A. de Tocqueville, *La démocratie en Amérique*, vol. iii, p. 1.

[4] *The Federalist*, nos. XLVII, XLVIII and XLIX.

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ments of the importance of the doctrine of the separation of powers. For example, the Assembly, on the famous night of August 4, when it had finished the discussion of the articles of the "Declaration of the Rights of Man", proceeded at once to lay down the following principle: "Every society in which the guarantees of rights are not assured and the separation of powers is not determined has no constitution". The constitution of 1793, which was never applied, was, in some measure, an exception; but the constitutions of 1791, of the year III, and of 1848 echo the words of 1789. In 1848,[1] terms identical with those of 1791[2] reappeared: "The separation of powers is the first condition of a free government."

II

No further space need be given to such introductory considerations as the origin of the doctrine of the separation of powers and the incorporation of the principle into the constitutions of England, France and the United States. It is now necessary to consider at greater length some of the views held on this famous doctrine by certain modern French thinkers. In this study, it seems desirable to consider only the questions which naturally arise out of Montesquieu's doctrine that in each state there exist three powers and that liberty is impossible where separation of these powers is not found. Failure thus to limit the scope of the inquiry would necessitate an examination of such questions as the separation of civil and military power, the separation of civil and religious power, the separation of public and private life, the separation of governors and governed, and other similar matters which are found treated in most works on French public law.[3] To do this would extend the present study to inordinate length.

In modern re-examinations of what may conveniently be called Montesquieu's doctrine of the separation of powers, controversy has raged about three questions in particular. In

[1] French constitution of 1848, art. 19.

[2] French constitution of 1791, Tit. III, ch. iii, sect. 4.

[3] E. g., Hauriou, *Principes de droit public* (2e éd., Paris, 1916), IIe Partie, ch. ii, sect. ii.

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the first place, it is suggested that no answer should be attempted to the question whether various powers in the state ought to be separated before it is asked whether there really exist any powers to separate. Again, if it be admitted that there are powers which exist in the state, doubt may arise as to whether the classical enumeration of legislature, executive and judiciary is the correct one. There may be less or more; or, if three be the correct number, it may be that certain substitutions in the original list will be found desirable. Lastly, it may be asked whether the powers in the state, if there be any, can and ought to be separated.

As might be surmised, the leadership in the attack on the very existence of powers in the state is taken by that Ishmael amongst students of jurisprudence, M. Duguit. In the second volume of the second edition of his *Traité de droit constitutionnel*, which has appeared in the present year with the subtitle, *Théorie générale de l'État*, there are only three chapters. They deal respectively with *the elements* of the state, *the organs* of the state, and *the functions* of the state.[1] The employment of the term *powers* is scrupulously avoided in accordance with M. Duguit's conviction that such things as powers in the state do not exist.

M. Duguit's so-called realistic conception of the state is familiar enough to make it unnecessary to point out the natural consistency of such a view of the non-existence of powers with M. Duguit's ideas concerning the sovereignty of the state. So much sound criticism[2] has been brought against M. Duguit that there is no need to repeat it here. On the other hand, it is possible, without admitting his contentions, to recognize with M. Hauriou[3] the service which has been rendered by M. Duguit in insisting on what is real and exact and scientific and in thus causing others to think and to speak with greater care and less

[1] Duguit, *Traité de droit constitutionnel*, T. II, pp. 1-131, 132-403, 404-666.

[2] E. g., W. Y. Elliott, *The Metaphysics of Duguit's Pragmatic Conception of Law*, POLITICAL SCIENCE QUARTERLY, vol. XXXVII, no. 4, Dec. 1922, pp. 639-654. See also: Esmein, *Éléments de droit constitutionnel* (7e éd., Paris, 1921), Introduction, p. 40 *et seq.*

[3] Hauriou, *op. cit.*, p. 693.

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confusion. As will shortly be seen, M. Hauriou attempts clearly and exactly to distinguish between *organs*, *functions*, and *powers* in the state[1]; and it may be remarked in passing that the soundness of his treatment of the separation of powers varies directly with his success in the difficult task of maintaining such an exact distinction.

M. Artur's controversy with M. Duguit is of a different nature. The former[2] is unable to agree with M. Duguit that there are no such things as powers in the state, but he sees no other way of separating powers than by separating functions. In this he disagrees with M. Jacquelin, whose work[3] he minutely criticizes in the longest treatise which has yet been written on the specific question of the separation of powers.[4] French institutions, says M. Jacquelin, who deals only with the question of the separation of the ordinary judicial tribunals and the administrative courts, "have always been and still are very defective, and their defects all come from the fact that the principle of the separation of powers or of the separation of functions has been misconceived". And yet, he says, the principle of the separation of *powers* "dominates" the whole system in which he is interested. With this M. Artur is, for the most part, willing to agree; but he feels that M. Jacquelin vitiates his whole contention by making a distinction which is difficult to understand and once understood impossible to accept—a distinction between the separation of powers and the separation of functions. M. Jacquelin is interested solely in the question of the separation of the ordinary and administrative systems of courts; but his contention and M. Artur's criticism are examples of the close attention which is given by French writers to the problem of the existence of powers in the state as distinct from functions or from organs. A single

[1] *Ibid.*, IVe Partie, ch. iv, § 1.

[2] Artur, "Separation des pouvoirs et séparation des fonctions", *Révue du droit public et de la science politique*, vol. 13 (1900), pp. 214-246, 470-496; vol. 14 (1900), pp. 34-64, 236-280, 436-505; vol. 17 (1902), pp. 78-97, 234-274, 439-472; vol. 20 (1903), pp. 415-502. See Duguit, *op. cit.*, p. 515.

[3] Jacquelin, *Principes dominants du contentieux administratif* (1899).

[4] The work above mentioned, though incomplete, runs to 380 pages.

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system of courts, says M. Jacquelin, sufficiently separated from the other branches of government, realizes the separation of powers. To this M. Artur offers no objection. On the other hand, contends M. Jacquelin, the establishment of administrative tribunals really results in a separation of functions; but, as this principle is confused with the separation of powers, the latter principle is invoked in justification of a system of administrative courts while, as a matter of fact, it is a violation of the principle of the separation of powers. Such a contention, as M. Artur properly points out, is based on a confusion of two things which are by no means the same: the unity of the judicial power and the separation of the judicial power from the other powers.

This disagreement, however, does not exhaust the possibilities; for it is possible to agree with M. Artur against M. Duguit that powers do exist, as distinct from organs and functions, and yet, at the same time, without falling into M. Jacquelin's confusion, to disagree with M. Artur's position that the separation of powers can be realized only by the separation of functions. M. Hauriou does precisely this,[1] and his views will presently have to be examined at greater length.

The first question, therefore, of the existence or non-existence of powers in the state is answered in the affirmative by most recent French students, except M. Duguit; so that the existence of powers is supported, at the same time, by the sound destructive criticism brought against M. Duguit's conceptions and by the considered views of many modern thinkers in France. On the other hand, it has been seen that a service has been rendered by M. Duguit in insisting on the necessity of not confusing powers, functions and organs.

It is now necessary to ask whether if it be granted that there are powers, the classical enumeration of legislature, executive and judiciary is the proper one. In this regard, it is necessary to consider two specific questions: the first is whether the executive and judiciary are two separate and distinct powers, as Montesquieu seems to have thought, or whether, as some

[1] Hauriou, *op. cit.*, IV^e^ Partie, ch. iv.

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contend, the judiciary is part of the executive; the second is whether there are any powers, not mentioned by Montesquieu, which ought to be added.

Of the many enigmatic statements in the writings of Montesquieu, there is one which has perhaps been the subject of an amount of controversy considerably out of proportion to its importance. In the famous sixth chapter of the eleventh book of *L' Esprit des lois*, the remark is twice made that the power of judging is in a certain sense null. Just what is meant by this it is not necessary here to consider. A discussion of the matter may be found in the writings of Esmein,[1] Aucoc[2] and others. It is enough in this place to point out that this statement is sometimes used to support the contention that the founder of the doctrine of the separation of powers held the view that the judicial and executive powers were reducible to one and that the powers of the state were really two in number, that of making laws and that of carrying them out. This position is not without its supporters in recent times. M. Berthélemy, writing in the present year,[3] asserts that there is no middle ground between making laws and having them executed. Before the laws are executed, they should have a precise meaning, he says; and whether this is achieved without controversy or after discussion following a certain procedure, it is essentially the same thing. On the other hand, there are those who feel themselves called upon to uphold the great dignity and importance of the judiciary by maintaining its independence of the other powers and its equality with them. M. Esmein[4] and M. Artur[5] both support this position at great length. Their general argument is that the function of judging is a function in itself, that it is irreducible to the executive function, that assuming it to be part of the executive leads to logical conclu-

[1] Esmein, *op. cit.*, T. I, ch. iii, § 3, p. 502, n.

[2] Aucoc, *Rapport sur le concours relatif à le séparation des pouvoirs* (*Comptes rendus de l'Académie des sciences morales et politiques*, T. CXII), p. 213 *et seq.*

[3] Berthélemy, *Traité élémentaire de droit administratif* (10e éd., Paris, 1923), p. 10. See also: Esmein, *op. cit.*, T. I, p. 500 *et seq.*

[4] Esmein, *op. cit.*, T. I, p. 500 *et seq.*

[5] Artur, *op. cit.*, p. 218 *et seq.*

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sions contrary to fact, and that from the opposite and true assumption may be deduced only such conclusions as experience shows to be sound. M. Hauriou [1] argues likewise for the maintenance of the judiciary as a third power but in a wholly different fashion, as will be seen when the views of that author are considered.

Before leaving this question it may be pointed out that those who hold the judiciary to be part of the executive stress its practical importance by contending that the other view leads logically to the doctrine of the popular election of judges. Needless to say, the logical necessity for such a conclusion is repudiated by those who defend on high ground the independence of the judiciary; while the apparent impossibility of agreement leads some to dismiss the question as purely doctrinal and fit only for the schools. M. Berthélemy, for example, holds that the matter has no practical importance inasmuch as nothing is to be gained by putting the judiciary on the plane with the other two powers rather than by considering it part of the executive. The judiciary, he says, would not actually be more independent in fact if raised to such a position in theory.[2]

So much for the present, then, for the question whether the classical powers are to be considered two or three in number. That this enumeration, however, is not necessarily to be considered exclusive is shown by the fact that another power is felt by some to deserve a place with the others. This power, the nature of which will be considered later, may be called, for the sake of convenience, the electoral power. Its claim to a place amongst the powers seems to be suggested, though somewhat timidly, by Lafferière,[3] writing before the founding of the present republican régime in France; but it is in the writings of M. Hauriou that its claim to a position of full equality is advanced.

The general remarks which have been made with respect to

[1] Hauriou, *op. cit.*, p. 35 *et seq.*

[2] Berthélemy, *op. cit.*, p. 11.

[3] Lafferière, *Cours théorique et pratique de droit public et administratif* (3e éd., Paris, 1850), T. I, p. 130.

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the problems whether or not there really exist powers in the state, and what they are, provided it be granted that they do exist, will have given some indication of the possible answers of a general nature to the question whether or not such powers can and ought to be separated. Whenever problems become reduced to the fundamental question of the nature of unity in diversity, an absolute answer has to be postponed until the unsolved question of the nature of things has been answered. Accordingly, suggested answers to the question in hand will tend to the one side or the other of an eternal dualism, however many may be the minor variations possible. M. Duguit, for example, who claims to avoid trouble by his condemnation of everything metaphysical, argues that an actual separation of powers is impossible; for powers, according to those who hold differently, are parts of sovereignty; yet sovereignty, being one and indivisible, cannot have parts; and hence there can be no powers and no separation. The analogy, suggested by Kant, between a sovereignty composed of three powers, on the one hand, and the Trinity of Christian theology, on the other, is insisted on at some length by M. Duguit, who concludes by affirming both to be mere mysteries and to have no other value than that of a *jeu d'esprit*.[1]

Over against this extreme view are variations of the general idea that there is somehow reality to the unity conceived to be found in diversity; that sovereignty may be one and several at the same time; and that it is M. Duguit himself who reads into the conception of sovereignty the element of indivisibility as necessarily contained in any idea of unity.

Controversy on this plane might well be interminable, and so some seek safer ground nearer the mean by adopting parts of both extreme conceptions. When the activities of the state are viewed primarily as functions and it is seen that in practice the same organ sometimes exercises functions falling into more than one class, the tendency is to adopt to some extent the practical view that legislature, executive and judiciary cannot be altogether separated. On the other hand, the strong human

[1] Duguit, *op. cit.*, T. II, pp. 523-524.

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urge towards generalization and abstraction causes the view to persist that legislature, executive and judiciary, as seen in broad lines, may and ought to be separated. Thus, for example, M. Berthélemy sees in the principle of the separation of powers not a "juridical truth" but a "political precaution", which would be inapplicable unless it contained certain exceptions and were susceptible of certain adaptations.[1] Separation seems theoretically possible; practically it cannot be altogether realized. Even M. Duguit, thirty years ago,[2] while insisting on the falsity of the principle of the separation of powers, admitted that it was an ingenious doctrine and contained elements of truth. He wrote that sovereignty resides in the will of the majority of individuals who constitute society and are conscious of their double existence, collective and individual. It is by having different organs to exercise different classes of functions in the state and by that method alone, he held, that there may be established the great balance between individual and collective interests which assures the normal functioning and the progressive development of a civilized society.

III

The foregoing paragraphs will have perhaps given some conception of the general nature of modern French ideas concerning the classical principle of the separation of powers; and it will have been seen that considerable shifting of ground has taken place since Montesquieu first wrote. It has been noted that the latter was principally interested in describing the English constitution as he conceived it to exist in the eighteenth century; the fundamental questions mentioned above have been propounded and answers to them have been attempted, as thought has developed in France. With these general problems as a background it may be well to examine the manner in which it is possible to apply the principle of the separation of powers to the present French government. This involves an examination of the nature of the powers existing in the state

[1] Berthélemy, *op. cit.*, pp. 14-15.

[2] Duguit, "La séparation des pouvoirs et l'Assemblée Nationale de 1789", *Revue d'économie politique*, vol. 7 (1893), pp. 99-132, 336-372, 567-615.

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and a consideration of the interrelationship of these powers in their possible combinations. After a brief consideration of the nature and relationship to one another of the other powers, it will be well to reserve more space for the judiciary, in its relationship, first and most important, to the executive, and finally in its relationship to the legislature.

The nation, says M. Hauriou,[1] is composed of individuals, who are social beings and, at the same time, individuals. As every social organization tends toward personification, it is only natural that the various manifestations of the national will should become coordinated into systems or powers which recall the "powers [*pouvoirs*] of the individual will"; for man is the "person *par excellence*". This, he says, is the basis of the whole question of the separation of powers. Here M. Hauriou recognizes the value of the attacks of M. Duguit, the enemy of everything involved in the personification of the state, in having forced a more careful determination of the nature of *powers*, which have only too often been confused with *organs* and *functions*. But, says M. Hauriou, the question of the separation of powers is not solely a question of the division of functions nor of the separation and balancing of political organs, but of the separation of "certain political *powers* considered as being psychological *powers*, powers of the will of the person-State, or, at the very least, of the individual State".

Powers are defined as "the different provinces [*compétences*] of the national governing will considered as endowed with individual unity." These powers are varied, and since each, as a power of will, is autonomous, it is a power directly representing the nation and not the agent of another power. *Organs* are men or groups of men having a part in the representative organization of the nation. As such, they concern themselves with "bringing to realization the operations of will of the various powers of national sovereignty." *Functions* are defined as "the employments for which the various powers of national sovereignty are intended." Exclusive of the judiciary, which will be treated later, M. Hauriou recognized three powers, three organs and three functions.

[1] For M. Hauriou's account, see *op. cit.*, IV^e Partie, ch. iv, §§ 1, 2.

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The first power is called "a power or province of implicit will". Its organ is the electoral body and its function is elective. To call it the elective power is to qualify the power by one of its functions; whereas it might have other functions as, for example, in countries with the referendum. The proper word being lacking, the power would, to be exact, have to be called the "power of implicit will". It corresponds to that province of the human personal will under necessity of action which is "implicit, intuitive, instinctive and unreasoned." Though historically it was the last of the three powers to come into existence in the state, it is, in a fully developed modern state, the first power in logical order of employment and of superiority. It expresses desires, which are later worked over and carried out by the other powers; and being made up of intuitions, sentiments and instincts, in a word, being the will of desire, it is the most ardent and imperious of the powers.

The functions of this power, then, are to set up the personnel of parliamentary representation and sometimes to take part in a referendum. Only the former of these functions exists in France, where it consists of naming the representatives of the nation and, on the same occasion, of expressing "implicit will or desire". It should not be confused with the constituent power, the function of which is by nature legislative. The organs of the latter are elected by the former and the elected are placed in a certain situation where they may exercise an autonomous power. The electoral body transmits to the elected certain desires to be realized but not the power of deliberation for making these desires explicit; for it cannot transmit what it does not possess. The psychological fact at the bottom of election is that the electors "testify to the elected confidence in the realization of their desires". The word *suffrage* implies confidence. The electors being "witnesses of confidence" are accordingly "guarantors"; and thus the psychological fact is clothed with a juridical garment.

This power is possessed of a spontaneous organization for government. The electors are the first representatives of the nation and their power is not to be confused with the common will of all subjects. The majority of the electors have the

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power of domination over the minority, and for exercising this domination a spontaneous organization, consisting of political parties and electoral committees, is created. The influence, only too often undesirable, of this organization on all the agencies of government is well known. It is not to be argued that this is regular, but democratic logic will cause it to become regular. The necessity is not to deny but to organize; and this organization should be constitutional, as well as spontaneous. Tendency in this direction is evidenced by such projects of reform as proportional representation, representation of interests, preferential voting, regulation of candidacies, and so forth. The electorate must be made conscious, by the proper organization of the suffrage, of its true rôle of governing, with the responsibilities involved.

These views of the function and organization of the electoral power assist in making clearer the true nature of the power. To vote is to express desire (*votum*). It is "the manifestation of implicit will contained in desire". Here M. Hauriou notes the danger which results from the fact that to the reflective aspect of the national will, which is a little feeble and cold, are joined all the ardors of sentiment and instinct. In the state, as in the individual, the former should control the latter; but unfortunately the contrary is to be feared and in practice is actually realized in the state. The desires of the electorate are, for many representatives, orders to be obeyed.

The second power is defined by M. Hauriou as "a power or province of the will made explicit by deliberation." Its organs are parliamentary chambers and its function is legislative. As in the case of the first power, to call the second the legislative power is to qualify the power by its function. It should be called the deliberative power. It corresponds to what, in the individual, may be called the "will of deliberate and reasoned reflection". Historically, the deliberative power was the second to make its appearance in the state, and its appearance is the point chosen by Montesquieu for his study. This power is also the second in logical order of employment and in point of superiority. It works over, with the assistance of reflection, the desires expressed by the first power, and over these desires it has the ascendency given by reason.

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This power, the function of which is legislative, operates by deliberation. By it reflection, reason and wisdom are manifested in public affairs. Its decisions, confided to an assembly representing the wisdom of the principal citizens, are more reasoned than those of the electoral power, which are not preceded by reflection. Even when an assembly descends from the high regions of pure thought to the inferior plane of politics, it is opinions, even though political opinions, which the majority seeks to make triumphant, and they are accordingly "reasoned ideas".

This raises the question of the relationship of the first two powers. Mr. Dicey has pointed out that there are opinions which are specially legislative.[1] Such opinions constitute the programs of political parties, and along with people's *interests* and *individual temperaments* form the basis of political parties. Now members of deliberative assemblies are accessible to new ideas provided the ideas have taken the form of legislative opinions. The delicate question is, says M. Hauriou, whether these opinions are those of the electorate before being those of the assembly, for if they are, the deliberative power is subordinate to the electoral power and is not to be separated from it. He feels that, as a matter of fact, although political doctrines undoubtedly have a rôle in the functioning of the elective principle, initiative in these matters always emanates from parliamentary circles.

The third power is defined as a "power or province of the will . . . capable of realizing execution". Its organs are the chief of state, ministers, and similar officials; and its function is daily government. Unlike the other powers, the executive power is given its exact name in conventional language. There is in the individual a corresponding "will of execution, able to arrive at execution and operation". Historically, it was the first power to appear, as governments were for a long time pure action. In logical order of employment the executive power stands third, and this corresponds to its position in point of superiority. It causes to be carried out the formulæ elab-

[1] Dicey, *Law and Opinion in England,* esp. ch. ii.

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orated by the deliberative power, and it thus causes to pass into an act what is only potentiality in the other powers.

A fuller examination of the function of the executive power shows that it consists of governing and administering. By the former is meant the solving of new questions involved in conducting the internal and external affairs of a country; the latter is "assuring the march of the regularly organized public services". The executive power both governs and administers "in assuring the execution of laws". The extension of the executive organization over the whole country varies from place to place, a country usually being said to have a centralized government if there exist in various localities active representatives of the central power. It is the most technical of the powers and its organization is usually based on a somewhat artificial distinction between decision and execution. In this case those with the power of decision must remain responsible for their agents charged with execution.

The above exposition of M. Hauriou's views on the nature of powers, organs and functions of government has been sufficiently full, it is to be hoped, to render it unnecessary to dwell at length on the different angle from which the principle of the separation of powers is to be regarded. Briefly it is this. There is no question of whether the powers in the state can or ought to be separated; "the provinces of will are separated by an original division [*partage originaire*]." There is, therefore, no choice but to agree with M. Esmein[1] in his insistence that the principle of the separation of powers is hostile to the idea of delegation. That which is not possessed may not be delegated. Furthermore, powers, organs and functions are not exactly superimposed. Powers are "rather closely bound to organs", and each power has a corresponding function which is its principle concern; but an organ may exercise a function which is normally not its own, and there should be no confusion in this idea provided it be remembered that the organ in such a case employs its own power. Thus, if the executive organ has a part in law-making, such as promulgation of the law,

[1] Esmein, *op. cit.*, T. II, p. 80 *et seq.*

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it performs this act not with deliberative but with executive power. Now this is not only possible but desirable, and it is here that those err who contend, on the analogy of division of labor in the economic realm, that the separation of powers is to be realized only in the separation of functions. Such a separation of functions is out of keeping with the teaching of experience; for it tends to break the organic unity of government in the state, whereas the powers should collaborate in exercising the same function. In this way a point of contact is established for concerted effort; and, at the same time, in the constitutional conflict which is inevitable, each power has, grouped about its principal function, accessory functions similar to those of the other powers. So does Montesquieu's view have to be modified, since "thus it is, and only thus, that they [the powers] may realize a political equilibrium favorable to liberty".

In attempting this exposition of a modern view of the classical principle of the separation of powers, no consideration has been given to what is conventionally known as the judicial power; yet this has not been done because the judicial power is to be considered "in a certain sense null" or a part of the executive. On the other hand, M. Hauriou considers that the judiciary[1] is set apart from the other powers by an even more fundamental separation which he conceives to exist between what may be called legal sovereignty (*la souveraineté politique*) and ultimate sovereignty (*la souveraineté juridique*). The former is the living force of established *positive* law and resides in the governmental organization of the state; the latter is the force of *potential* law and rests in the body of the people. The idea of the sovereignty of the state contains both of these and hence realizes an equilibrium between *potential* law and *realized* law. Now ultimate sovereignty not only manifests itself by adhesion to commands but also by the power of guarantee on the one hand and by the judicial power on the other.

Thus the judiciary is taken out of the classical position, assigned to it by Montesquieu, amongst the powers of legal sov-

[1] Hauriou, *op. cit.*, p. 31 *et seq.*

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ereignty, and set up as a power of ultimate sovereignty. Space cannot be afforded at this point fully to examine the arguments in favor of such a conception; only their brief outline may be sketched. The argument rests on the three propositions that the judicial power is not a political power, that it is none the less a power of sovereignty, and that it is a power of the sovereignty of the people and not a power of government. The first proposition is supported by such arguments as that the judiciary exists purely for the purpose of declaring what conforms to positive law, that it is outside of political struggles, that the judge does not get into action of himself, and that the other powers have no need of the judiciary in order to accomplish their work. That it is a power of sovereignty, on the other hand, is shown by the fact that it has a power of domination over those judged which is or ought to be identical with the power of positive law. In support of the third proposition three proofs are offered: the first is the principle that one ought to be judged by his peers; the second is the principle, in France, that "delegated justice" is superior to "residual" government justice, the former being administered "in the name of the French people", the latter only "in the name of the chief of state"; and the third is the principle that judges should be irremovable.

It still remains to consider the very important question of the organization of the judiciary in France; but before this matter is developed, it may be well briefly to examine the views of M. Hauriou which have been set forth above.

IV

It may, at the very beginning, be agreed that an insistence on the distinction between powers, organs and functions, on the one hand, and between legal and ultimate sovereignty, on the other, is wholly to be commended. That M. Hauriou himself employs the utmost care to maintain these distinctions and to avoid the confusion of thought resulting from failure so to do is beyond doubt; yet that he fails in his effort is equally certain. Such a reflection is a very discouraging one, for it seems to point straight to a confusion apparently inherent in human

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thought processes. When, for example, M. Hauriou says in one place that the three powers in the state are separated by an original division and that no overlapping is possible except in their functions, and then in another place states that the three *powers* should not be so far separated as to interfere with their collaboration, when he can obviously mean only their *functions*, the temptation is strong to agree for the moment with M. Duguit that one would do better altogether to eliminate the conception of powers and to confine one's attention only to functions and organs. The trouble seems to arise from the fact that the human mind has a natural way of functioning and that it cannot easily function otherwise. This being true and yet it being impossible to believe that the thought processes are incapable of any result but confusion, the only conclusion left seems to be that there is a mistaken conception of how ideas concerning the matters in hand are arrived at; and the only solution seems to be a re-examination of the notions commonly held with respect to the state and its activities.

Organized life within a state involves many activities. These activities are habitually carried out in accordance with various rules known as laws. Certain of these rules, whether or not earmarked as such, are more fundamental than the others in the sense that they determine in broad outline the fashion in which the organization of the state, known as government, habitually functions. Such rules, establishing such a scheme of things, make up what is called a constitution. In this arrangement one of the activities, whose habitual method of functioning is determined by the rules making up the constitution, must exist without any rule establishing a limitation on its possible accomplishment; for otherwise the activity which could habitually establish such rules would itself be without limitation, and therefore, the activity in question, unless it be possible to conceive of an infinite series of activities each limited by a rule established by another activity. But as there is no question of infinity involved, one activity must be without limitation. This activity may be called the legal sovereign. In its normal functioning, as determined by law, it may, by recognized processes, change in any conceivable fashion the

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method by which all activities, including its own, are habitually carried out; and it may do so without violating any rule which has already been established. All of these are simple and concrete conceptions; but the human mind tends to view this activity, called legal sovereignty, not in its actual functioning as exercised by a legally established organ, but, through generalization and abstraction, as a potentiality or power. To such a tendency there can be no real objection, provided it be recognized that this abstract conception of power, however closely bound up with organ and function it may be and however impossible it may be to conceive of it apart from organ and function, at the same time remains on a different plane from them, and that the real nature of the relationship between the two planes cannot be known. To this abstract conception of legal sovereignty there is, then, no objection. The same thing may be said of the other or non-sovereign activities in the state. By classification and arrangement it is quite possible to see that certain general functions are carried out at a given time, that is until the sovereign activity legally arranges matters otherwise, by a certain organ in an habitual fashion. Here the tendency will again be towards abstraction, and abstract conceptions of *powers* will again be the result. To this there can be no more objection than in the case of sovereignty. But this is by no means all. The human mind will not be satisfied to stop without trying to comprehend the relationship existing between the abstractions of non-sovereign powers and the abstraction of sovereign power, which relationship is analogous to that existing in practice between the sovereign and non-sovereign activities in the state. This relationship may also be conceived as being very close, and yet analogies with theological trinities and accusations of being metaphysical must not sting thinkers into an unwillingness to acknowledge that the actual nature of the relationship cannot be known.

There are, then, in our effort to comprehend legal sovereignty, four relationships which it is necessary constantly to bear in mind: in the first place, there is the relationship between sovereign and non-sovereign activities in the state; in

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the second place, there is the relationship between non-sovereign activities and non-sovereign powers; in the third place, there is the relationship between sovereign activity and sovereign power; and in the fourth place, there is the relationship between sovereign and non-sovereign powers. In thinking of legal sovereignty, confusion will inevitably result if any one of these relationships is lost sight of as thought proceeds.

These matters may possibly be rendered simpler by a concrete example; and it may be well to choose a familiar point of controversy. For this, the question of the divisibility of sovereignty will serve; and in order that the question may be considered in its most complex form, the federal form of government may be chosen. It has been seen that in every state there is one activity of governmental life which may be called legally sovereign, inasmuch as law, in defining this activity, can place no limitation on its accomplishment. This is an activity which may be called *constituent*, by which is meant that in its normal operation it is able to change the scheme of governmental activity, that is, the constitution. For a federal form of government to exist, a considerable number of smaller political communities within a larger must have an integral part in this operation. Though the method may be complex, there is actually only one activity; and in this sense sovereignty is undivided.[1]

So far legal sovereignty has been regarded only in its concrete operation; but it has been seen that there is an inevitable tendency towards abstraction. Hence, we may assume an abstract conception of legal sovereignty with regard to a federal state. Now when the activities of the smaller community are viewed, it is seen that they operate in a distinct sphere and according to a distinct scheme or plan, which may be called by the same name as the similar arrangement in the larger sphere embracing the smaller, namely a constitution. Furthermore, the inevitable abstraction takes place; but when the relationship between the abstractions is considered and when a close

[1] It is, of course, possible that there exist an alternate activity which may alter a constitution; but as only one may operate at a given time, the apparent exception is of no importance.

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analogy is seen between the relationship of constituent power and other powers in the large sphere and the same relationship in the smaller, the necessary conclusion seems to be that there are two sovereignties. It is, therefore, commonly said that with respect to certain powers the smaller community is sovereign; and the conclusion expressed, when concrete ground is once more reached, is that these activities are illimitable except by the constituent activity in the smaller community. But, as a matter of fact, examples occur from time to time of activities removed from one sphere to another by the larger constituent activity, that is by the one and only real sovereign activity. What was thought to be *illimitable* was, it turns out, at a given time, merely *unlimited;* and a little care would have avoided much confusion.

It has seemed well to dwell at length on the necessity of keeping as well defined as may be these various considerations with respect to the legal aspect of state life. When it is seen, by reading a few pages of almost any modern French writer, that these matters are not sufficiently borne in mind and that confusion is invariably present, discouragement is easy. The feeling becomes one almost of hopelessness when it is reflected that these considerations do not exhaust the possibility of confusion; for there remains the whole field of extra-legal questions included in what M. Hauriou, amongst others, calls ultimate sovereignty. The latter is none the less important for being less capable of definition, and it is none the less powerful for being less well-defined. It must not be, and does not seem likely to be, neglected by political thinkers; and this is as it should be, provided that it be not confused at any point with legal sovereignty. For this reason, it is to be regretted that M. Hauriou, after insisting on the distinction between legal and ultimate sovereignty, groups them both under the single expression, national sovereignty. This is the more surprising in view of his clear distinction between the two aspects of sovereignty at the point where they seem to come closest together. In speaking of the electoral power, M. Hauriou warns against confusing the desires of the electorate with the aspirations of the whole people. That they may approxi-

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mate each other very exactly is both certain and desirable. It is equally certain that one falls within the legal arrangement of state activities, at the head of which stands the legal sovereign, while the other stands without this scheme of things.

This re-examination of important and difficult political notions must suffice by way of criticism. A more detailed examination of various aspects of modern French conceptions, notably of M. Hauriou's praiseworthy introduction of psychological considerations, must regretfully be foregone, as must a reconstruction of the principle of the separation of powers in line with the above criticism. Enough space has been given to theoretical consideratlons and there yet remains to set out the important practical aspect of the doctrine of the separation of powers as the principal determining factor in the present organization of the French judicial system.[1]

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[1] The concluding portion of this article will be published in the POLITICAL SCIENCE QUARTERLY for March, 1924.

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PARLIAMENTARY COMMISSIONS IN FRANCE II[1]

VIII

WHEN the French Chamber of Deputies abandoned its régime of special commissions in 1902[2] and gave them a mandate for the life of each parliament, the primary purpose of the reform was to effect an improvement in legislative machinery. There was little thought of the weight that these remodeled commissions would throw into the balance which indicates the far from stable equilibrium of executive and legislature. Yet in practice this weight has certainly been the most interesting, and perhaps the most important phase of the work of the commissions.[3] The organization of the French Parliament is one of the reasons why it is able to administer as well as legislate to a degree which is uncommon in other representative bodies.[4]

It is as a device for controlling the executive that the commission system has attracted the most attention abroad.[5] The new

[1] Part I of this article appeared in the POLITICAL SCIENCE QUARTERLY for September, 1923, vol. XXXVIII, no. 3, pp. 413-442.

[2] See the first part of this article, POLITICAL SCIENCE QUARTERLY, *loc. cit.*

[3] See Étienne Fournol, "The System of Parliamentary Commissions in France", *The New Europe*, August 1, 1918.

[4] "As important as legislation is vigilant oversight of administration. . . . There is no similar legislature in existence which is so shut up to the one business of law-making as is our Congress."—Woodrow Wilson, *Congressional Government* (Boston, 1913), pp. 297-298.

[5] The commissions do violence to the theory of the separation of powers. They collaborate with the ministers to an extent that, in important instances, it may be said that "there is not only a question of control but of a real incorporation of the army and foreign affairs commissions in the ministerial directorships."—Maxime Leroy, *Pour Gouverner* (Paris, 1918), pp. 223-224.

"Under this system the Chamber through its commissions exercises a control over administration as well as legislation, for they can enquire into all work of a department, summoning its functionaries before them, and recommending or refusing the measures the department desires. The authority of the ministry is reduced, for its bills may return from the commission in a form different from that which they originally had or which ministers approve. The

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states in Europe have attempted to have only a few legislative committees and to fix their competence so that they may articulate with and control the executive. The parties or groups are given places in proportion to their strength in the chambers and the attempt is made roughly to allocate the chairmanships. One of the most interesting features of this committee organization is that it has been used to provide a check on the executive when parliaments are not in session. Thus the German constitution provides that the Reichstag shall "appoint a standing committee for the protection of the rights of the representative body over against the National Ministry, for the period between sessions and after the end of a legislative term."[1] A similar permanent committee is provided for by the Czechoslovak constitution. It owes its existence to sad memories of the notorious Article 14 of the Austrian constitution under which the executive could issue ordinances having the force of laws and thus nullify the control of the legislature. There had been executive committees of the diets of the Austrian states *(Landes Ausschüsse)* but their sole purpose was to assure the execution of decisions taken by the diets.[2] Here the committee must be consulted by the executive and may in emergencies give approval which would be sought from the

majority of the commission need not be supporters of the ministry or anywise disposed to meet its wishes."—Bryce, *Modern Democracies* (New York, 1921), vol. I, p. 246.

"The French legislature has a far closer control over the Army in time of war than has the British Parliament. Both the Chambre des Députés and the Sénat have Army commissions which do active work, and which few governments can afford to ignore. In 1916 these commissions were given further powers whereby some of their members became practically inspectors of, or delegates to, the Army. Such a system is in direct accord with the practice which prevailed during the revolution and later. It is not for a foreigner to comment upon how far this is congruous, further than to say that its advantages would be manifest, even overwhelming, if the military and civil powers were thus led to agree. Unfortunately, that is rarely the case. The more usual result is distrust on the part of the soldier, and recrimination on the part of the politician."—*The Pomp of Power* (New York, 1922), p. 57.

[1] McBain and Rogers, *The New Constitutions of Europe,* p. 183; Vermeil, *La Constitution de Weimar* (Strasbourg, 1923), p. 306.

[2] J. Blociszewski, "La Constitution tchécoslovaque", *Revue des Sciences Politiques,* vol. XLV, p. 217 (April-June, 1922).

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legislature were it in session. The same device is used in Prussia,[1] where the assimilation of the commission organization to that of France is particularly striking.[2]

IX

The French commissions, as has been said, were planned for legislation rather than for administration, and their increasing importance in respect of the latter function was not clearly anticipated. The parcelling out of power in a parliamentary system is a matter of force more than of words. Constitutional provisions and rules of procedure cannot insure the maintenance of any desired equilibrium. It is obvious that the old system of electing the commissions on the basis of chance rather than political opinions or competence made for ministerial weakness: the commissions could and frequently did represent the elements of the Chamber opposed to the ministry. One might expect, therefore, that the new scheme of election by the groups in proportion to their numbers would result in some strengthening of the cabinet.[3] But so far as concerns the non-

[1] Aubry, *La Constitution prussienne du 30 novembre 1920* (Paris, 1922), p. 110.

[2] The rules of the Landtag provide for the separation of the deputies into groups according to their political opinions. Each group must contain at least fifteen members. Their names, the names of their presidents and the essential lines of their programs must be filed with the President of the Landtag. Each group selects, in proportion to the number of its adherents and according to the principles of proportional representation, the members of a steering committee (Comité des Anciens). This organ is composed of twenty-one members and is presided over by the President of the Landtag. It deliberates on matters concerning the Landtag in general and in particular on the order of business. The committee determines the number of places that each group will have on the following commissions, which vary in numbers from twenty-one to twenty-nine and which are elected at the beginning of each session: Budget, Population, Colonization and Housing; Agriculture, Commerce and Industry; Legislation; Communal Affairs; Education; Petitions; Verification of Votes; Rules; Verification of Budget Accounts. — *ibid.*, pp. 95-96. In the Polish House of Deputies there are fourteen committees of thirty-one members and five committees of fifteen members. They are elected according to the French plan.—See *Weekly News Release* (Polish Bureau of Information, New York City), January 10, 1923.

[3] The changes "have undoubtedly improved the situation. Above all the ministers are strengthened. The committees when chosen represent the majority

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legislative work of the commissions the position of the ministers has hardly been strengthened. It was to be expected that commissions with a regular competence, composed of members who are frequently reelected and who may serve on only a few committees, and dealing with the same departments throughout the whole session, would be much more formidable than special bodies set up for special pieces of legislation. Such an expectation has not been disappointed in actual practice. Certainly for the period of the war—as will appear later—the commissions felt called upon to play a more and more important rôle. From their own point of view their responsibility had no limit; critics could dispute their achievements but not their activity. And whatever the relative power and impotence of the commissions, whatever the balance between gesture and gestion, their mere existence and the work that they cannot escape have an important bearing on the workings of responsible cabinet government.[1]

This aspect of the matter—the connection between the commissions and the principle of ministerial responsibility—was not overlooked in the debate which was waged in 1910, 1915 and 1920[2] over the manner in which the commissions should be recruited, whether they should be special or permanent, and the extent of their powers. It was argued against the changes that were proposed that the Chamber had no need of a new weapon in its combat against the ministers; that each commission could be used as a war machine; that the president of each commission would be a possible minister of the morrow, striv-

as found in a coalition of groups, and, even when this coalition gives way to another, they will represent the new majority; for since the party complexion of the Chamber is reflected faithfully in the committees, the same shiftings in party alliances take place simultaneously in both quarters. In normal circumstances the committees will support the cabinet when the Chamber does."—Sait, *Government and Politics of France* (Yonkers, 1920), p. 210.

[1] President Lowell says quite positively that while "the French scheme of committees has good points, and some features that might be very valuable under another form of government, it is clearly incompatible with the parliamentary system."—*Governments and Parties in Continental Europe* (Boston, 1896), vol. I, p. 117.

[2] See POLITICAL SCIENCE QUARTERLY, vol. XXXVIII, p. 413 *et seq.*

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ing to use his place to make an impression on the Chamber and the country and to persuade his commission to force a crisis which would give him his opportunity. The presidents and reporters of the commissions, it was feared, would acquire some competence which would make them logical candidates for cabinet posts,[1] and in any event, the commissions would always work against rather than with the ministry. Competence within the commissions would not lessen but would simply make less alarming the danger of parliamentary anarchy.

That these arguments have some substance is unquestionable, but the problem is much deeper than any method of legislative organization. The creation of "large, powerful and symmetrical parties, with an equilibrium of forces which would dominate the political life of the country", M. Breton has suggested,[2] would make cabinet government more stable. But the difficulty is that political parties cannot be set up by wishing for them. Proportional representation—or at least a better electoral law—might make for some amalgamation of the groups, but even if this took place, there would still be the difficulty that the French cabinet is responsible without possessing the complementary power of dissolution. Only if the Government is able, on occasion, to force members of the Chamber of Deputies to experience the expensive uncertainty of standing for reelection will it be able to become the master of the Chamber in somewhat the way that the English cabinet is master of the House of Commons.

The French Constitution has in actual practice no "regulator", as Bagehot called the power of dissolving the legisla-

[1] A curious argument, but it was made. In France, M. Maret has remarked, the portfolios are distributed with the thought, "Well, here goes", and with no care for specialties or knowledge. The colonies, he says, are thrown to a man who does not know whether Cochin China is in Asia; agriculture to a gentleman who is a printer by trade; the admiralty falls to a doctor, and a lumberman is installed at the ministry of public instruction. Portfolios are then changed like the trees in a game of "Puss wants the corner". The man you have known in the commerce department passes to justice, and tomorrow will be foreign secretary.—Maret, *Le Parlement* (Paris, 1920), p. 69.

[2] *Les Commissions et la réforme de la procédure parlementaire* (Paris, 1922), p. 55.

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ture.[1] Caprice, Bagehot said, "is the commonest and most formidable vice of a choosing chamber." The assembly transfers its affections from one set of ministers to another. Such caprice may be held in check to some extent by party organizations, but a "regulator" is absolutely essential. Thus, many French publicists think that there should be the continuous possibility of a dissolution of the Chamber, either by the president under the present constitution, or under a constitutional amendment which would make the consent of the Senate unnecessary. The right of dissolution, says M. Leyret, is one of two antidotes employed against deliberative assemblies. The second is a coup d'état, which rests on force, while a dissolution is effected by law. Legislative assemblies must have some limits put to their powers, for their natural tendency is to encroach on the prerogatives of the Government and to absorb authority.

> Our Chamber of Deputies, [he says], is the model of monopolizing and plethoric assemblies. Joining executive and legislative functions, it has submitted France to its domination. In a word, it has achieved, for its own profit, an absolute authority, and, worst of all, this authority is that of an oligarchy which yields to its passions with complete impunity. It is to forestall such a peril that the partisans of a parliamentary régime have deemed it indispensable to set up the safeguard of a counterpoise, namely, the power of dissolving dangerous or unworthy assemblies.

There is no means, other than dissolution, of limiting the authority of the deputies. If they misuse it, "the best method of dispossessing them of it is to send them to the country—their master and their judge."[2]

And, dealing particularly with the powers of the president, M. Leyret has called "dissolution" the greatest possible homage that can be paid to national sovereignty. It is em-

[1] *The English Constitution* (New York, 1877), p. 298. The French president, with the consent of the Senate, may dissolve the Chamber, but MacMahon's use of the power in 1877 has apparently discredited it. See Sait, *op. cit.*, pp. 60 and 171, and Barthélemy, *Le Gouvernement de la France* (Paris, 1919), p. 95.

[2] *La Tyrannie des politiciens* (Paris, 1910), pp. 228-231.

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ployed not against universal suffrage—as its critics have alleged —but against assemblies which are not in accord with public opinion. It is a menace not to the electoral body but to the representative organ, which may show itself bungling or worn out, powerless or delirious. Dissolution is the permanent sanction of the responsibility of representatives and a guarantee against tyranny by those who possess the legislative mandate. The President of the Republic, M. Leyret maintains, has a double mission: he must cooperate loyally with the Chambers, but he must listen attentively to public opinion, and when he considers that there is a conflict he must appeal to the arbitration of universal suffrage.[1]

Most, if not all writers, indeed, look elsewhere than to the form of commission organization for an explanation of the dominance of the Chamber of Deputies.[2] And it is a perti-

[1] *Le Président de la République* (Paris, 1913), pp. 158-159. Some years ago M. Poincaré wrote in a similar vein. "This right of dissolution", he said, "in no way resembles a monarchical prerogative. It is the natural guarantee of the separation of powers. A Chamber, elected for a fixed period, may, during the course of its mandate, forget the promises it has made to the country, ignore the interests that have been confided to it, and seek to usurp powers which do not belong to it. If, nevertheless, it is master of its continued being, it will with impunity afford a spectacle of disorder and incapacity. To defend itself against abusive encroachments, the executive power must have the right to bring about a new electoral consultation. The use which in 1877 was made of this right of dissolution by the Government of May 16 has left, since then, this part of the Constitution under a cloud and in disrepute. It does not, however, deserve the unpopularity with which the events covered it."—*Ce que demande la Cité*, p. 54.

M. Millerand has apparently revived the discussion of whether the President of the Republic should exercise his right of dissolving the Chamber of Deputies. Upon becoming President in 1920, M. Millerand spoke of the necessity of an improvement in constitutional laws; he was in part responsible for M. Briand's resignation, and on October 14, 1923, he made a speech which was remarkable both for its pronouncements on party politics (an intervention for which there are few, if any, precedents since Marshall MacMahon) and for its warning that, within the letter of the constitution, the President may be something more than a constitutional automaton. See *Manchester Guardian*, weekly edition, September 24, 1920, and October 19, 1923.

[2] Mr. Robert Dell has proposed that ministers be individually elected and dismissed by the Chamber of Deputies; that the Chamber have a two or three year term, and that the constituencies be given the right, by a referendum, to withdraw the mandates of their Deputies. Such a change, he thinks, would

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nent consideration, as M. Breton points out, that after the creation of the permanent commissions in 1902, ministerial tenure was not made less stable. The Budget Commission, it is true, is called "*la Commission des successeurs*"; hostile maneuvers against the Government have called the reporters of the commissions to power, and in fact the reporters have served less as guardians of the purse than as attorneys for the different services whose accounts were placed in their charge. But here again, the fact that ministerial offenses are planned in the Budget Commission goes to the root of the working of the parliamentary system rather than to the particular problem of the commissions.[1] To lessen these possibilities, however, was doubtless one of the reasons why in the revisions of the rules the competence of the Budget Commission was attenuated. The other commissions, in M. Breton's opinion, dealing with

make the presidential office unnecessary; its ceremonial functions could be taken over by the President of the Council. The power of dissolution would also be unnecessary, although this, unused as it is, is probably desirable so long as the present method of choosing the cabinet continues.—*My Second Country* (*France*) (New York, 1920), pp. 109-110. Another proposal is that no ministers shall be members of Parliament. Both of these schemes—and particularly the second—would give cabinets longer lives. The interest of the Deputy in a change would be materially lessened.

[1] M. Pierre says that the election of the President of the Budget Commission almost always indicates the orientation of the financial politics of the Chamber (*Traité de Droit politique, electoral, et parlementaire,* sec. 768). M. Gaston Jèze believes that the reporters of the commission are inclined to substitute themselves for the Government and that they look upon themselves as the presumptive heirs of the ministers in power. He cites the fact that the commission had a hand in the resignation of M. Briand in January, 1922 (see Joseph-Barthélemy, "Chronique de politique extérieure", *Revue politique et parlementaire,* February 10, 1922). M. Jèze complains that each reporter writes a large volume and presents personal opinions as the judgment of the commission; that there is much absenteeism at the commission meetings. He pronounces against the suppression of the commission and does not think that its division into subcommissions charged with the accounts for the different services would succeed very well. The capital reform, he says, would be for the commissions to confine themselves strictly to an examination of and report on the estimates and to cease usurping the powers of the Government. The members of the commission should not consider themselves as the rivals and heirs of the Minister of Finance and should not try to shipwreck the ministry. "But", M. Jèze ironically asks, "what is the text of the law or rule capable of modifying human nature?"—*Cours de science des finances et de législation financière française* (Paris, 1922), pp. 263-266.

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more or less technical problems, neutralize one another so far as general politics and the upsetting of ministries are concerned.[1] This judgment should be qualified to recognize the special war-time work of the commissions on the Army and Foreign Affairs, which were for a time the only agencies of control.

Something is to be said, on the other hand, for the greater stability of Governments by reason of the division of the Chamber into commissions based on party groupings, instead of special commissions in the selection of which chance played its part. A ministry is frequently able—or at least it ought to be able—to watch the currents of opinion in the commissions and to change its course so as to procure easier sailing in the Chamber. Moreover, the cabinet can frequently make concessions in the commissions which it could not make in the full Chamber without weakening its authority. The British executive, for example, allows the grand committees of the House of Commons a freer discretion in respect of amendments than it allows the whole House. The reason is that the House of Commons is the arena of party warfare;[2] a committee is a more non-partisan meeting place. Committees are to perfect legislation which the majority party may ordinarily, by putting on the whips, be certain of enacting into law. Defeats of the Government in committees, while they may be inconvenient, do not involve crises. So in the French commissions. The immediate object may usually be a technical change in the law; the indirect object may be the overturn of a ministry, but the latter can be attained whether the organization of the commissions stands or not, and it may be prevented by a concession in respect of the former.

It is indubitable, however, that the commission system materially attenuates ministerial responsibility, which is a quite different matter from ministerial stability. The shattering of responsibility in respect of legislative initiative and policy is more important in a system like England's where there is almost ex-

[1] *Op. cit.*, p. 58.

[2] "This English mania for making all political wisdom to consist in the art of satisfying Parliament and of tricking it by means of clever speeches makes me sick."—Baron Stockmar, *Memoirs*, vol. II, p. 450.

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clusive executive initiative. It is less important in France where private members introduce bills. More vital is the matter of administrative responsibility. If a minister yields to a commission or if he gets the approval of a commission for a proposed policy, he is strengthened in the Chamber; and the Chamber, to criticise, must go against its own commission. It is thus easy for a system of commission courtesy to develop, and if the evil has not as yet been bitterly complained of, the reason is not its non-existence. M. Breton argues that ministerial responsibility is affected by the groups rather than by the commissions, whose intervention he declares is usually non-political and on matters which would not by themselves cause the defeat of a ministry. It is before the groups or a group of groups that the ministers must justify themselves.[1] This is true. But it is equally true that the commissions by direct and indirect pressure on the government suggest, inspire and force particular decisions of the executive power. This, as President Lowell says, is not in all respects compatible with a true system of parliamentary government. It is this aspect of the problem which was so important when, in 1920, the Chamber again debated the number of commissions to be set up and the competence to be given them. Administrative control was at issue even more than legislative discretion, for the petty politics characteristic of the French parliamentary régime makes the Deputy more interested in bureaucratic than in legislatorial matters.

X

The desire of members of a legislature to be prominent and to have the power and perquisites attached to committee chairmanships or memberships is a powerful bar to limiting committees to any reasonable number.[2] There have been American state legislatures, for example, whose rule for committees was simple and precise: a number sufficient to give a chairmanship to every member of the majority party. And when members

[1] *Op. cit.*, pp. 70-71.

[2] Luce, *Legislative Procedure* (Boston, 1922), pp. 125-128.

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have once tasted power and enjoyed perquisites it is extraordinarily difficult to persuade the assembly to consent to a reduction of the number of committees.

In the French Chamber of Deputies there were similar influences which operated to increase the number of commissions. M. Louis Marin, a Deputy who had long been interested in the problem of procedural reform, proposed that there be one commission for each ministerial department. Such an absolute parallelism, he thought, would be the only effective method of limiting the number of commissions, for the allocation of functions among the cabinet departments was tolerably stable.[1]

From some angles such a proposal is attractive. A minister would not have to watch the work of more than a single commission, and the commission would be concerned with the work of only one ministerial department. This would lessen the burden on the minister and make for greater ease and rapidity in the cooperation of ministers and commissions, and, by restricting the competence of the commissions, would encourage specialization.[2] It would, moreover, put a real limitation on the number of commissions and would carry to its logical conclusion the reform begun when the régime of special commissions was abandoned. The proposal, however, had been made in 1898 and had been decided against,[3] and it was again rejected—at least in words—when the rules of the Chamber were fixed in 1920.

The report of the Commission on Rules, presented by M. Barthélemy, argued the desirability of a commission dealing with several services "so that it might help to assure the coordination of efforts which the Government lacks." Too often there are "questions relating to several departments, and, with a scheme of parallelism, one would see the deadening competition of services become complicated by the complementary competition of the reporters." The Commission further

[1] *Journal officiel,* January 27, 1920, p. 63.

[2] For communications between the ministers and the commissions of the Chamber and the Senate, see Breton, *op. cit.,* p. 158, and Pierre, *Traité,* sec. 748 *et seq.*

[3] Breton, *op. cit.,* p. 159.

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thought that "it would be but little worthy of the Parliament to model its internal organization on that of the Government and as a consequence to modify it in accord with the changes effected by new Governments."[1] But there were even weightier objections:

We have been afraid, [said the report], that by an increase in the direct action of Parliament on the Government, the necessary equilibrium of the powers and the constitutional rule for the collaboration of of the separate powers might be compromised. We have not wished to set up a department of the Chamber against a department of the Government and systematically to oppose a president of each commission against each chief of a ministerial department. Parallelism has seemed to your commission as the permanent organization of a conflict which could only be settled by the definite effacement, to the great detriment of the country, of the responsible government before the irresponsible commission. We cannot, by provisions of rules, suppress the parliamentary régime sought by the Constitution in order to reach a deformed imitation of the conventional Government. I say "deformed imitation" for, in the spirit of our constitution, the cabinet must be taken in its quasi-unanimity from the midst of the Chamber; it must be a sort of committee of Parliament, charged with the business of government, and it is it, properly speaking, which constitutes our committee of public safety.[2]

In this indictment there is only one count to which a demurrer cannot be made. The "deadening competition" of the services, instead of being increased, would be lessened—so far as the task was possible—by reference to a single commission. The ministerial organization, as has been said, is fairly stable and the Chamber would not be forced to make frequent changes in the organization of its commissions—certainly no more frequent than it has been accustomed to make on account of the wishes of Deputies. Much of M. Barthélemy's talk about responsible cabinet government is mere phraseology

[1] In Belgium the principle of parallelism has been warmly defended. The reporter of the Rules Commission in 1920 thought that such an articulation would lessen abuses, inspire the administration, and check the flood of questions and interpellations in the Chamber.—Breton, *op. cit.*, p. 161.

[2] Report no. 228, January 23, 1920.

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which is meaningless, but there is some danger that an exact articulation of commissions and departments might serve to increase the activities of the Chamber in administration and make the cabinet more than ever subservient to parliamentary control. This phase of the warning has point, but it must be considered as mere window-dressing, for the number and scope of the commissions which the report proposed and which the Chamber approved with few amendments,[1] differed only in unessential particulars from the scheme urged by M. Marin. The parallelism was almost exact, and the dangers foreseen by M. Barthélemy are not obviated by the commission organization which was determined upon.[2]

The new rules of the Chamber of Deputies have not been in

[1] Breton, *op. cit.*, p. 160.

MINISTERS	COMMISSIONS
1. Interior	1. General, departmental and communal administration
2. Justice	2. Civil and criminal legislation
3. War	3. Army
4. Navy	4. Navy
5. Foreign affairs	5. Foreign affairs
6. Colonies	6. Algeria, colonies and protectorates
7. Finance	7. Finance (Budget)
8. Public education and fine arts	8. Education and fine arts
9. Agriculture	9. Agriculture
10. Labor	10. Labor
11. Liberated regions	11. Liberated regions
12. Public works	12. Public works and means of communication
Under-secretary of state for mines	13. Mines and motive power
Under-secretary of state for the merchant marine	14. Merchant marine
13. Commerce and industry	15. Commerce and industry
	16. Customs
14. Social hygiene, relief and planning	17. Hygiene
	18. Social insurance and planning
15. Under-secretary of state to the President of the Council	19. Alsace-Lorraine
	20. Audit of accounts

[2] On the relations between the corresponding commissions of the Senate and Chamber and on the cooperation which takes place between the commissions (within a single assembly) having a joint interest in the subject matter, see Breton, *op. cit.*, pp. 162-170. For the considérations favoring the use of joint committees in Congress, see Luce, *op. cit.*, p. 137.

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operation long enough to determine whether a "deformed imitation" of the Government has been created out of the presidents and reporters of the commissions articulating with the different departments. The Budget Commission and the Commission on Foreign Affairs did play a part in the resignation of M. Briand, but France's problems have been so extraordinary and so much has depended on the personality of the President of the Council that cases of intervention or successive failures to intervene may prove nothing in respect of the powers of the commissions. During the war, however, there was real control, exerted, naturally enough, by the commissions particularly interested in war problems.[1]

XI

The work of the French commissions during the war has given rise to a considerable controversy, both as to what they actually did or failed to do and as to the judgment which may properly be passed upon their interventions. It is always difficult to ascertain the details of conflicts behind the scenes. Ministers by their utterances suggest a too meticulous control; commissions, continually striving for more power, think that they are being denied information and that all of their suggestions are not being considered, but that their interference has prevented some disasters. With few exceptions, particular contests between commissions and ministers are not spectacular and do not attract attention; yet the cumulative result of commission victories in a number of these contests may mean government by the Chamber instead of by the cabinet. And if it is difficult to determine the importance of the rôle played by

[1] It is a curious fact that there has been practically no discussion in Congress of the advisability of making its committee organization correspond to the organization of the administrative branch of the government. The reason of course is that Congress looks upon itself primarily as a lawmaking body. For an argument in favor of committee articulation with the administrative services, see W. F. Willoughby, *The Problem of a National Budget* (New York, 1918), p. 104 *et seq.* The same suggestion seems to be made by F. A. Cleveland, but as part of a complete overhauling of congressional government.—"The Reorganization of the Federal Government", *Proceedings of the Academy of Political Science,* vol. IX, p. 59 *et seq.* (July, 1921).

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the commissions in shortening delays and pointing out mistakes, it is impossible to assess the credit due them for cooperative support of policies which were carried steadily to success. In some cases in France there was unquestionably excessive meddlesomeness and improper encroachment on executive functions; in other cases there was marked impotence. But it can hardly be denied that through the medium of the commissions there was more parliamentary control of the French than of the English or American executives. This control ceased when Clemenceau became premier, for then France was ready for a political generalissimo. The control for his predecessors had some serious *lacunæ*, but it existed.

For the first two years of the war the French political parties observed a more or less complete truce. They preserved the *union sacrée* for a dual purpose: an excuse for eloquence and a standard of action. The former was more important than the latter, but still there was an adjournment of politics. In the beginning Parliament practically abdicated its functions. There was a single session on August 4—required on account of the declaration of a state of siege[1]— when, with little discussion and with no opposition, the Chamber voted eighteen laws that the Government demanded. When the move to Bordeaux was made the Government asked Parliament to go along. They wanted to share the responsibility, but the situation improved, Parliament was ignored and then prorogued.[2] At the end of December, Parliament was again summoned for three sessions. There were no interpellations and no oral questions. Laws were voted without discussion or opposition on the simple

[1] Lowell, *op. cit.*, vol. I, p. 63; Barthélemy, "Sur le droit public en temps de guerre: l'état de siège", *Revue du Droit public et de la science politique*, January-February-March, 1915, p. 134; Jèze, "L'état de siège", *loc. cit.*, July-August-September, 1916, p. 407, and Joseph Carret, *L'Organisation de l'état de siège politique* (Paris, 1916).

[2] It is not certain that the Government may prorogue Parliament when the Chambers have met on account of an exceptional situation like the state of siege, but in any event the usage is for the decree of prorogation to be read by a minister at the tribune and to be placed in the parliamentary archives. In this case the decree was simply published in the *Journal officiel*. See Barthélemy, "Du Renforcement du pouvoir executif en temps de guerre", in Jèze, *Problèmes de politique et finances de guerre* (Paris, 1915), pp. 119-120.

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affirmation of the reporters that they had been carefully examined in the commissions. Credits were voted *en bloc* and Parliament allowed the Government to settle the matter of sessions.[1]

The December meeting had been necessary because of finance, but in other matters the Government proceeded without parliamentary authorization. The Bordeaux régime was a pure dictatorship. The cabinet worked by decrees of doubtful validity. M. Millerand, the Secretary for War, for example, by executive decree ordered the revision of exempted classes and a reculling of the invalids, put limitations on the right of appeal and set up military courts.[2] The regular session began in January, 1915, and by that time it was realized that the absence of legislative criticism, while it might show a united front to the enemy and fail, by making no depressing disclosures, to to lower the morale of the people, resulted in allowing the executive to continue with impunity distressing delays and inefficiencies. Many expedients were discussed. One proposal was that there should be set up extra-governmental coalition committees composed of eminent former cabinet members. France has a number of past as well as putative "*ministrables*". It was parliamentary control, however, that was insisted upon, and it was exerted as much through commissions of the Senate as through those of the Chamber.

On the opening day of the 1915 session the Senate decided to reorganize its Army Commission. The number of members was increased to 36. The venerable M. de Freycinet was president. Clemenceau and Bourgeois were vice-presidents and some of the remaining members were not undistinguished.[3]

[1] There was a tacit understanding that control should not be exerted from the tribune but within the commissions.—René Samuel, *Le Parlement et la Guerre, 1914-1915* (Paris, 1918), p. 86. This volume, which reprints the most important debates in 1915, gives many instances in which ministers recognized the importance and the powers of the commissions, and in which the members of Parliament expressed themselves as content to have the full-dress sessions perfunctory because criticisms had been voiced in commission.

[2] "Un Republicain", *L'Œuvre de Guerre du Parlement* (Paris, 1917), p. 17.

[3] Clemenceau later became president and de Freycinet and Bourgeois entered the Briand Cabinet (October, 1915) as ministers without portfolio. The For-

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The commission possessed the confidence of the Senate to an unusual degree. It could act with fewer disadvantages than the similar body in the Chamber. The Senators had fewer electoral preoccupations; they had less mean and petty services to perform for their constituents,[1] and their moral authority was greater than that of the commission of the Chamber. To be sure, the Chamber was the dismissing house; it could turn out the ministry, but that was a sanction which was reluctantly used. Only Painlevé went out of office as a result of an adverse vote in the Chamber. The other cabinets had their authority undermined by agreements and intrigues backstairs and in the commissions. The Senate commission, therefore, labored under no disadvantage that did not attach to the commission in the Chamber.

The Minister of War, M. Millerand, was principally under attack on the ground that the munitions were inadequate, and insufficient preparations were being made to increase the supply. Parliament was nervous also because the General Staff was not concerned about increasing the supply of heavy artillery. The Senate committee had the minister before it repeatedly[2] and it

eign Affairs Commission was presided over by M. de Freycinet and later by Clemenceau. — *L'Œuvre de Guerre du Parlement,* p. 25. Control was made easier by interlocking memberships and in the Chamber an Inter-Commission (War, Marine, and Foreign Affairs) was brought into being to deal more easily with the executive conduct of the war.

[1] On petty politics during the war, see L. Marcellin, *Politique et politiciens pendant la Guerre,* 2 volumes (Paris, 1922 and 1923). Exemption from military service for deputies and constituents, traffic in decorations, favoritism for localities and constituents in the location of factories and the purchase of supplies, junkets to the Dardanelles, the Far East and the United States—on the basis of M. Marcellin's story it is amazing that the politicians did not force the soldiers to lose the war.

[2] Presidents of the Council and the ministers of war and foreign affairs were continually grilled by the commissions, summoned one day by one and another day by another, tossed from the Palais Bourbon to the Luxembourg, and when the commissions left them respite they were assailed by interpellations, bombarded by written questions, and petitioned for favors. This is the picture of excessive parliamentary interference drawn by M. Marcellin. In the first two and a half months of 1915 more than 1200 written questions were addressed to the ministry of war by the commissions and individual members of parliament. On one day there were 130 written questions in the *Journal officiel,* most of them relating to the war department.—*Op. cit.,* vol. I, pp. 7, 67.

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secured information that the executive was reluctant to disclose. Finally the commission prepared an elaborate indictment of the war office and sent it to the President of the Republic and the President of the Council. A demand was made for the appointment of four undersecretaries to deal with munitions, supplies, health and aviation. On July 1 the Government attempted to forestall this criticism by creating two such offices to have charge of the commissariat and medical service.[1]

Viviani seemed willing to bow to the criticisms of the commission but Millerand's resignation was not forthcoming. The premier's only alternative, which he refused to face, was his own resignation and a reconstruction of the ministry, with some uncertainty as to the direction of the currents of opinion in the Chamber in respect of the new cabinet. The Chamber, on the other hand, was unwilling to overthrow the whole ministry in order to get rid of Millerand. During this period of conflict, there was a vigorous minority which wanted a secret session of the Chamber for a full debate on munitions and effectives, and, but for a feeling that, with the military situation critical, Parliament should not overturn the ministry, the Chamber would doubtless have expressed a lack of confidence in Viviani. As it was, his fall was precipitated by a question of foreign affairs. The results of allied diplomacy in the Balkans were so unsatisfactory that Delcassé, the minister for foreign affairs, was to be interpellated. Discussions in the commissions on foreign affairs had not sufficed. Delcassé resigned before the debate and almost immediately Viviani gave way to Briand as prime minister. General Galliéni succeeded Millerand as war minister and the four undersecretaryships were set up in the war office.

It should be noted that the work of the commissions had little more than a moral sanction. The Budget Commission, to be sure, might threaten to withhold supplies, but this would endanger military efficiency rather than menace a particular min-

[1] The undersecretaries were chosen, it was said, to make ministers more popular among the friends of the appointees. See Marcellin, *op. cit.*, vol. I, p. 87.

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ister. The Senate Army Commission forced a hearing for its criticisms by the excellence of its case, the authority of its members, a judicious use of publicity, and an insistence, in some cases, on carrying the issue to the Elysée, where M. Poincaré was perfectly willing to belie the familiar description of the French president as a mute idol in a pagoda. To be sure, there were frequent delays. The conflict between the Senate commission and the minister of war lasted for months. M. Millerand, indeed, knowing that a public debate was impossible, could suggest to his critics that they should go to the tribune and reverse him, having complete confidence that they would not be willing to take the risk. Otherwise, M. Millerand declared, "I will assume that I have the confidence of a majority of Parliament." This absence of a more effective sanction, in the opinion of one French writer, was a grave *lacuna* in the system of control and rendered the work of the commissions partly sterile.[1] But it is difficult to see how a more effective sanction could have been secured. Formal expressions of lack of confidence in a cabinet might have had serious consequences and they were shunned. The House of Commons was reluctant to unlimber this gun in the parliamentary arsenal. The Chamber of Deputies was equally hesitant and pulled it out only in the case of Painlevé. The commissions, indeed, performed somewhat the same task that in England was undertaken by the Northcliffe press, which revolved around Mr. Lloyd George as a parliamentary axis. In France the press was so subservient to the Government that its criticism was valueless. In the United States chief criticism of the executive was through the press or was *ex post facto* as in the case of the Senate committee which investigated the war department.

The activities of the commissions, as has been suggested, were widely extended. The condition of the men at the front, hygiene, supplies of fuel and food, diplomacy, the responsibility for military failures, and even strategy—all ran the gamut of parliamentary interference.[2] The Briand Ministry had no

[1] *L'Œuvre de Guerre du Parlement*, p. 44.

[2] The French commissions took literally the advice of the Earl of Chatham:

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special dispensation; it was questioned and advised just as its predecessor had been. Indeed, M. Briand had laid himself open to this régime for he had been one of the leading advocates of parliamentary collaboration, and when this had resulted in the fall of Viviani and the choice of himself as prime minister he could not hold the Chamber and Senate at arm's length.[1] But, in spite of the activity of the commissions, parliamentary unrest increased. The demand became irresistible for secret sessions of the Chamber and the Senate at which ministers would make complete disclosures. Anxiety in respect of the war department and the high command led deputies to think that the secret committees might result in a more effective measure of parliamentary control. The Army and Foreign Affairs commissions were already acquainted with all the facts that were disclosed. As one member remarked, "when the Government accepted the idea of a secret meeting, it was only a means of taking the whole country into its confidence."[2] Once the innovation had taken place, in June, 1916, it became increasingly difficult for the Government to resist the demand for further secret meetings.[3] Plenary parliamentary

"Our time cannot be more usefully employed, during a war, than in examining how it has been conducted, and settling the degrees of confidence that may be reposed in those to whose care are entrusted our reputations, our fortunes and our lives."

[1] *L'Œuvre de Guerre du Parlement*, p. 48.

[2] *Encyclopædia Britannica* (twelfth edition), vol. XXXII, p. 138. Marcellin, *op. cit.*, vol. I, p. 283 *et seq.*

[3] In April, 1916, there were secret sittings of the House of Commons at which the Government presented facts and arguments concerning the necessity for conscription. The experiment did not encourage repetition. Secrecy could not long be maintained and public discussion is the essence of parliamentary government. On June 2 of the same year, however, Lord Kitchener held a conference with members of the House of Commons. About two hundred attended, made a gentleman's agreement not to take notes or to divulge any information, and listened to Lord Kitchener while he discussed the problems of the war in a simple and straightforward manner, answering questions when it was possible for him to do so. Three days later the ship carrying Lord Kitchener to Russia was sunk. This experiment was much more successful than that of the secret meeting of the whole House. See C. P. Ilbert, "The Secret Sittings of the House of Commons", POLITICAL SCIENCE QUARTERLY, vol. XXXII, p. 28 (March, 1917).

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control began to supplant the activities of the commissions although in many cases the mystery is that this interference was not sabotage and that the war machinery did not suffer.

XII

The interest of the House of Commons in the French system of commissions goes back a dozen years.[1] No one can read the evidence before the Select Committee on House of Commons Procedure (1914) without being convinced of the seriousness of the problem of the private member. The cabinet is becoming more and more autocratic and the control of the House is becoming weaker and weaker. The cabinet system, with the cabinet having the power to dissolve the House, may, in these days of universal suffrage, paid members and expensive elections, sing the requiem of the private member; it may mean that he will vote to keep the Government in and not on the merits of a particular issue. But the danger is that the requiem may be followed by a dirge signalizing the complete breakdown of parliamentary control.

During the war the French commissions and their work made a powerful appeal to members of the House of Commons who were not members of the Government, and this revived interest in the scheme which had been considered before the problem of control had become so acute. The debates in the House of Commons throw some light on the nature of the French system, the differences between it and the English and congressional committees, and, perhaps most important of all, disclose the yearnings of members of Parliament who are anxious to play a more important rôle than that of a rubber stamp, who wish to share in legislation and the supervision of administration. It may therefore be worth while to summarize briefly the several debates in the Commons.[2]

[1] *Accounts and Papers: Miscellaneous, 1912-1913,* vol. LXVIII (Cmd. 6323).

[2] Lord Haldane's committee on the machinery of government thought that committees charged with considering the activities of the main departments and enabled to act as channels through which Parliament would be furnished with fuller knowledge of the work of the departments and of the objects that ministers had in view, would be of assistance to the administration. "The

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During the war debates in the House of Commons frequently disclosed a willingness to invert the resolution passed during the reign of George III. The House was disposed to maintain that the influence of the cabinet had increased, was increasing, and should be diminished. Private members almost unanimously regretted the decline of parliamentary authority and chafed under the subordinate position to which they had been reduced. But it was Mr. Lloyd George himself who precipitated the debate on the low estate of one of the Estates of the Realm.

In his statement on taking over the Government in December, 1916, Mr. Lloyd George (probably in a mood of great thankfulness to the House) confessed that he did not think the existing methods of parliamentary control efficient; they tended to give undue prominence to trivialities and to minimize and ignore realities. It was doubtful whether the situation could be improved, but Mr. Lloyd George declared:

> I have always thought . . . that the French system was a more effective one—the system whereby Ministers have to appear before Parliamentary Committees, where questions can be asked them, and where they can give an answer which they would not care to give in public. I think that in many respects that system has helped to save France from one or two very serious blunders.[1]

officers of the departments", the report declares, "would be encouraged to lay more stress upon constructive work in administering the services entrusted to them for the benefit of the community than upon anticipating criticism which may, in present conditions, often be based upon imperfect knowledge of the facts or the principles at issue."—*Report of the Machinery of Government Committee* (Cmd. 9230, 1918), p. 15.

[1] *Parliamentary Debates*, Fifth Series, vol. LXXXVIII (19 December, 1916), col. 1344. Mr. Lloyd George refused to commit the Government further than to promise an investigation. "It is just possible", he said, "we might refer the matter to Parliament to settle for itself, because it is not so much a question for the Government as a question for Parliament itself to decide, subject, of course, to any criticism or suggestion which the Government might wish to make, as to the best and most efficient methods during a period of war of exercising Parliamentary control over the Departments."

In 1914 Mr. Asquith, then premier, did not think that the French system was possible in England. "The Committee's report", he said, "has really the same authority, or very nearly the same, and sometimes much greater than a Ministerial statement. The Committee in a sort of way (a way which I think

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Mr. Lloyd George's enthusiasm and generosity soon waned. His first taste of real, uncontrolled power during the parliamentary recess was so pleasant that he did not wish to share it, even talk about it, to commissions of the Commons. Mr. Bonar Law was chosen to break the news. On February 15, 1917, answering a question in the House of Commons, he said that "the whole question was most carefully considered by the Government during the Recess, and a thorough inquiry was instituted into the working of the system in France. As the result of this examination we have come to the conclusion that it would be very undesirable to make the change suggested."[1]

From then on the debates in the Commons teem with protests against the uncontrolled, even unexamined, independence of the Government. Legislative weakness, it was argued, resulted in bureaucratic autocracy; bureaucratic autocracy increased parliamentary weakness—a continuous shifting of power. It is a similar vicious circle in congressional government—congressional restrictions on the departments and consequent inefficiency which causes further regulation; interference and inefficiency reacting on each other, with no cooperation to have the differences smoothed out.[2] In England, however, the House of Commons endeavored several times to see if it could not come to some agreement with the Government. The most elaborate debate was on April 4, 1917.

One of the chief advocates of the commission system was Mr. T. P. O'Connor, who had attended a number of meetings of the Franco-British Parliamentary Committee. At these

would not be regarded as satisfactory here) really relieves the administration of responsibility to a large extent. If it does not take the responsibility on its own shoulders it shares it with the Ministry in a way quite foreign to all our Parliamentary traditions, and I doubt very much whether you could acclimatise or, rather, engraft that system of bureau upon our Parliamentary system."—*Select Committee on House of Commons (Procedure), 1914*, Cmd. 378, no. 2229.

[1] *Parliamentary Debates*, Fifth Series, vol. XC, col. 794. Some days later Mr. Bonar Law told the House that the report was a confidential one which it would not be advisable to publish.—*ibid.*, February 28, 1917, col. 2025.

[2] See Henry Jones Ford, "The Growth of Dictatorship", *Atlantic Monthly*, May, 1918.

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meetings the British members had been amazed and ashamed by the minute knowledge which the French members had acquired of the details of the conduct of the war.

I have met these men who are heads of Commissions, [he said], and I make this statement on their behalf, that the French Commissions have saved France on many an occasion from disaster by probing into the administrative affairs of the nation. They certainly did get rid of a Ministry. It is not for me to pronounce an opinion whether they were right or wrong, but if their statements to me were correct the Ministry ought to have gone down, and unless it did France would not be in the splendid military position she is in today.[1]

Mr. Winston Churchill, on the other hand, was not convinced of the advisability of attempting to copy the French plan. He admitted that "one of the greatest evils we have suffered during the war has been that the practical elimination of the platform and the abdication of Parliament have given an altogether disproportionate power to the press, which, working in its proper balance in the Constitution, would discharge only beneficial functions." But he thought that:

[1] *Parliamentary Debates,* Fifth Series, vol. XCII, col. 1379. In a letter to the London *Times* of October 28, 1915, Lord Murray of Elibank argued for parliamentary commissions modelled on the French system. "These Commissions", he said, "work in conjunction with every Department of the State. During the last three months a new departure has been made by the establishment of an 'Inter-Commission' representing more particularly the Commissions of Foreign Affairs, War, and Marine. This Commission sits in secret *séance* on an average of three times a week; it consists of thirty-six members of the Lower House, with a Chairman and Secretary. As it is the custom for Ministers to appear before the Commissions from which the Inter-Commission has sprung, so it has become the practice for this newly constituted body to invite to its deliberations the Parliamentary heads of Departments and others whose opinions might be considered of value. I give an example: the Ministers of War and Marine appeared before the Inter-Commission to discuss the Dardanelles Expedition. Further, all questions affecting the war, whether from the point of view of the supply of men, armaments, or munitions—in fact, everything affecting the policy and progress of the war, are subjects of informed discussions before this Commission. It is this plan of the Inter-Commission that I would respectfully urge for the consideration of his Majesty's Government." Lord Murray argued that the ministers might benefit by the fresher ideas of members of Parliament while the latter would be informed in a manner not prejudicial to the conduct of the war and would be better satisfied.

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Between the French Chamber's scrupulous, detailed, meticulous control, not only of legislation but of administration and of executive action, and the almost total abdication and neglect which has grown up in the House of Commons in regard to war matters, there is, it seems to me, a wide interval in which there is room for many forms of wise and useful solutions, and of practical and immediate solutions. The House can take no part in the vital business of this war unless it is either willing to create a scandal, or else is willing to debate sometimes in private.

The gap created by the abdication of the House was filled by the Press, which was willing to risk a scandal but which was an extra-constitutional, irresponsible agency of control. Mr. Churchill agreed that if Commons did not function during the war a great blow would be dealt its repute and authority from which recovery would be difficult, but he could think of no way in which this functioning would not do more harm than good.[1]

The argument was also made that a commission system would increase the legislative efficiency of the House of Commons. Sir C. Henry was of the opinion that if the Home Rule Bill and Welsh Disestablishment Bill had been sent to commissions for reports as to how far agreements could be reached, the proceedings in the House of Commons would have been much simplified, and that if the Insurance Act had been reported by a commission which could examine experts, "it would have been in the interests of that legislation. I do not think it can be denied that legislation can be consolidated and dealt with better upstairs than upon the floor of this House where party feeling is the controlling power."

Of greater importance, however, Sir C. Henry said, was the opportunity given members of the French Parliament to know about and influence the policy of the Government. Ministers might object on the ground that such a system would make too many demands on their time, but that would be counteracted by their not having to attend so closely in Parliament, and the number of daily questions would be greatly reduced. Ministers would still remain responsible to Parliament, practically the

[1] *Ibid.*, cols. 1382-1384.

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only difference being "that the rank and file of Parliament would have greater control than they have at present."

There is no matter of more paramount importance, [he declared], than the necessity of Parliament again assuming control over finance. I do not think it will be denied that since the war Parliamentary control has been absolutely lost. Rightly or wrongly since the war began no estimates in connection with the great spending department of the War Office or of the Ministry of Munitions have been presented to Parliament. The practice is that at the commencement of each session a Token Vote has been taken and each of these great spending Departments has been permitted to embark upon expenditure without any Treasury sanction or control. . . . I consider that it is absolutely imperative, without delay, that a Parliamentary Commission or Committee should be set up to sit almost continuously to overlook and supervise the financial expenditure of the different Departments.[1]

Mr. Herbert Samuel pointed out that the real cause of the comparative ineffectiveness of the private member of the House of Commons was more fundamental: that it went to the theory of cabinet government (with the power of dissolution) as well as to the nature of legislative organization. In his view the trouble was that every question must be regarded as a question of confidence in the Government, and that, even on minor details of money bills, the member when voting must ask himself not, "Do I approve of this?" but, "Am I willing to see the Government resign?" Mr. Samuel urged that except on important matters of policy or on a vote of confidence or on some proposal upon which the Government had announced that it would stand or fall, the House should be allowed to express its opinion freely, without a defeat of the Government requiring its resignation.[2]

[1] *Ibid.*, cols. 1365-1368. "The system of questions", Sir C. Henry thought, "is a most unsatisfactory manner of obtaining information. Members ask questions, and Ministers, by the answers given by the different Departments, endeavour to make their replies as evasive as possible."

[2] See "Arcanum", *The Blot on Parliament* (London, 1923) and the suggestions on this point quoted by McBain and Rogers, *op. cit.*, p. 23.

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In Mr. Samuel's opinion, also, the commission system had transferred power to the bureaucracy rather than the legislature:

> Ministers change so frequently [in France] that it is impossible for any individual to get a grasp of the affairs of his Department, with the result that the permanent officials have far greater authority in France than they have in this country, in spite of the fact, and partly, I believe, because of the fact of the existence of Parliamentary Commissions, which themselves tend to make the tenure of office of each Ministry insecure.[1]

This argument, however, is rather fanciful and is shared by few if any of the French writers on the system of commissions, which, it would seem, really operates to reduce the powers of the permanent officials.

The House of Commons returned to the problem in July, 1917, when the American Congress, alarmed at its own impotence, was discussing a Committee on the Conduct of the War.[2] This time the House was concerned about the control of the purse and debated the following resolution:

> That this House is of opinion, in view of the continued growth of expenditure, taxation, and debt, that a Committee be appointed, consisting of members of this House, with power to review all national expenditure, examine Ministers and officials and report to the House.[3]

Complaints were made in the debate that Mr. Lloyd George showed the press more consideration than the House of Commons.[4] "The Government," said Colonel G. P. Collins,

> evidently consider that publicity in some matters is essential. The Government use the Press daily for their purposes, and the increasing use of the Press by the Government has diminished the power of this House. The House of Commons is not properly informed about

[1] *Parliamentary Debates,* Fifth Series, vol. XCII, cols. 1370-1373.

[2] 65th Congress, 1st Session, report no. 102 (August 4, 1917); *Congressional Record,* July 21, 1917, p. 5902; W. W. Pierson, Jr., "The Committee on the Conduct of the Civil War", *American Historical Review,* April, 1918.

[3] *Parliamentary Debates,* Fifth Series, vol. XCV, col. 1493.

[4] See A. G. Gardner, "The Twilight of Parliament", *Atlantic Monthly,* August, 1921.

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finance. The Government ask for supplies of money and refuse supplies of information. Day by day Ministers give information to the Press and exchange view for view. They leave the House of Commons out in the cold till they come and ask for money. We are becoming an instrument for registering the decrees of the Government and for providing the necessary supplies.[1]

Against the scheme of commissions it was urged that the French executive was annoyed rather than controlled and that the activities of the committees really made the conduct of the war more difficult. M. Briand was reported as having asked the French Senate in December, 1916:

> How could he have time to prosecute the War with the energy demanded of him if every day of the week he had to answer interpellations, either in the Senate or the Chamber, and when constant secret sittings demanded his prolonged attendance in Parliament? He pointed out that the Committees of Parliament had claimed of him no fewer than forty-one attendances, an attendance lasting the whole afternoon.

To this argument Mr. A. F. Whyte made the rather obvious reply that Monsieur Briand was "a very remarkable witness to bring up against the French commission system, because his whole political success was founded upon the report of the Commission on the Bill for the Separation of the Church and the State in France. His experience in Parliament and his great reputation as a skilful parliamentarian was founded upon his work in the Commissions."[2] And, Mr. Whyte might have added, Briand had worked for parliamentary control of the Viviani Ministry.

But while parliamentary reputations might be increased through work on commissions, this consideration did not appeal to the British Government. To the executive the commissions are instruments of torture; to members of the legislature they are admirable devices for legislative supervision. Members who entered cabinets—whether in France or in England—naturally changed the opinions that they held when not in office.

[1] *Parliamentary Debates,* Fifth Series, vol. XCV, col. 1495.

[2] *Ibid.,* col. 1537.

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British discussion of the French system was revived two years later when the Government itself proposed certain changes in the procedure of the House of Commons. The object of the changes was threefold: to save the time of the House, to accelerate the progress of business, and by avoiding waste of time and energy, "to improve the real opportunities of criticism and discussion."[1] The Government must have had its tongue in its cheek when it named this third ambition, for the grand committees which it was proposed to create were for the single purpose of dealing with the preliminary stages of legislation. A considerable section of the House, however, used the opportunity of this debate on procedural changes to renew the demand for a system of committees to have some control over the executive as well as to lighten the legislative burden. The Government was proposing that portion of the scheme which they viewed with unfeigned reluctance: division of the House into legislative committees, even though perhaps necessary, would lessen the interest in debates and make more difficult a supervision of the executive; the other portion of the scheme the Government steadfastly opposed. The opinions expressed again showed a yearning for the French organization, a rather general agreement that the House of Commons was functioning badly, and a division of opinion among the doctors as to what should be done with the patient.

In the debate Mr. T. P. O'Connor returned to the work of the French commissions during the war. "I have been a member of an inter-Allied Parliamentary Committee," he said, "and the opinion of every single British representative at that Committee was one of surprise and humiliation at the position of the British members as compared with the French." The British representatives "sat their with our tongues tied, comparing our absolute ignorance of the inner details of the administration of our country with the full and complete knowledge of the representatives of the French people in the French Chamber." Committees might be necessary to expedite legislation but, "It is my complaint against the Government that

[1] *Parliamentary Debates,* Fifth Series, vol. CXII, col. 816 (February, 1919).

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they are not proposing to give the Committee upstairs power to examine and control policy. In other words, the effect of the proposal of the right hon. gentleman is not to strengthen but to weaken the control of the policy of the Government by the House of Commons."[1]

Another critic of the lack of Parliamentary control was Sir W. Joynson-Hicks, who, now that he is a member of Mr. Baldwin's cabinet, has doubtless changed his opinion:

> The real grievance during the last four years was not that we did not pass legislation, but we did not control the Executive in the management of the War. If we want the House to rise again in the estimation of the people we shall have to get back that control of the Executive which we have lost during the last few years, and which undoubtedly the Government has for the last ten years tried to get rid of . . . every new proposal is in the direction of making it easier for the Government to get their views through whether they are right or wrong.[2]

On the other hand, Lord Robert Cecil thought the Commission plan could accomplish no good. In his view "the real difficulty of the present administrative system of this country is, not that we have a reckless set of administrators who are always trying to rush through experiments, but the difficulty is to get anything done at all. The complication of business is so great and so increasing, and the time of the individuals who are in control of the various Departments is so much occupied that it is almost impossible to get any administrative reforms carried through, except those that are absolutely and vitally necessary." Commissions "would be a body of critics and not a body of suggestors. They would be simply critics and the result would have been, I am sure, a paralysis of the essential forces of the country." Ministers would try to do as little as possible in order to avoid criticism before Commissions.[3]

[1] *Ibid.*, cols. 896, 1270.

[2] *Ibid.*, col. 887.

[3] *Ibid.*, col. 1282. This was much the same view that Lord Robert had expressed when he was Undersecretary of Foreign Affairs and when the proposal was to have a Commission on Foreign Affairs. A Commission, he said, "seems to be the wrong thing. That seems to be watering down the responsibility of

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XIII

Perhaps the institution of parliamentary commissions in England would modify the present adjustment of ministerial responsibility, but it is a question whether that adjustment is not capable of great improvement. Certainly in the United States where there is no executive responsibility to the legislature, experiments might profitably be made with congressional commissions. Such an expedient was used to secure some supervision of the funding of Europe's debt to the United States. It is an expedient so simple and so natural as to arouse surprise that the debate was so prolonged on President Harding's demand for complete executive discretion. The commission was suggested as an afterthought, as a compromise to end a deadlock, rather than as a logical means of control which Congress was justified in insisting upon and which the executive ought to have been willing to concede.

There is little question of the utility of committees in the work of legislation. Business is now so congested and problems are so technical that some division of labor is absolutely essential. With the advent of democracy amateurishness triumphed in the drafting of legislation, and M. Barthélemy has gone so far as to suggest that as administration is carried on by experts who are controlled by ministers—representatives of the political power—so legislation should be prepared by a committee of jurists who are controlled by the assembly.[1] This proposal is reminiscent of John Stuart Mill's scheme for a com-

a Minister without giving any real control over policy. I believe that is wrong. I believe that a Minister should be responsible." Lord Robert was "very much in favour, *if it could be devised,* of some system which would enable the Ministers of the Crown, particularly those connected with the Foreign Office, to give much more freely than they can do in the Debate in the House of Commons, the reasons for their policy, the difficulties they have had of all sorts which cannot even be alluded to in Debate in public, and which cannot even be suggested in public." It was true, however, that the Press was given more information than was the House of Commons, and the interest of the Commons was shown by the fact that this particular debate had to be adjourned because the House found itself without a quorum.—*Parliamentary Debates,* Fifth Series, vol. LXXXVII, cols. 152-153 (November 7, 1916).

[1] *Le Problème de la compétence dans la Démocratie,* p. 118.

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mission of codification which "would only embody the element of intelligence" in the preparation of laws, while "Parliament would represent that of will."[1] Legislatures are likely to rely more and more on committees and the committees are likely to seek more and more outside assistance.

But it is as a check on administration also that legislative commissions may become of great importance. "Administration of law," Lord Morley once said, "is the keystone of all civilized government;" and when he enumerated the functions of the House of Commons, Bagehot put legislation last. He thought that it was not so "important as the executive management of the whole state, or the political education given by Parliament to the whole nation."[2] In the last century there has been an important metamorphosis in respect of this administrative machine. It is becoming less and less a machine manned by amateurs[3] and more a government by experts, supervised by amateurs responsible to Parliament.[4] A principal function of these amateurs, Sir William Harcourt once remarked, is to keep the civil service from acting so as to bring about a revolution.[5] But, as the debates in the House of Commons have disclosed, Parliamentary control is largely a sham. "Ministers and officials have the excuse that, as things are at present arranged, the pertinacity of Members of Parliament is almost always badly informed, the criticisms are ill-instructed, the discussions in Parliament usually extraordinarily futile; and 'Parliamentary control' seems to them to mean merely an increase of official work and anxiety, without the counterbalancing advantage of useful criticism or constructive sugges-

[1] *Representative Government*, chapter v.

[2] *Op. cit.*, p. 203.

[3] Low, *The Governance of England* (New York, 1915), chapter xi.

[4] Muir, *Peers and Bureaucrats* (London, 1910), p. 27.

[5] A. G. Gardner, *The Life of Sir William Harcourt* (New York, 1923), vol. II, p. 587. "The great mass of government today is the work of an able and honest but secretive bureaucracy, tempered by the ever-present apprehension of the revolt of powerful sectional interests, and mitigated by the spasmodic interventions of imperfectly comprehending Ministers."—S. and B. Webb, *A Constitution for the Socialist Commonwealth of Great Britain* (New York, 1920), p. 69.

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tions."[1] The problem is of increasing importance in view of the enormous delegations of legislative authority that are being made to administrative bodies and rule-making commissions.[2] It has been suggested that committee procedure like that on private bill legislation might be profitably used to supervise administrative legislation under the authority of but not under the scrutiny of Parliament.[3]

Proposals are made, furthermore, that resort be made to commissions either wholly or partly extra-Parliamentary. Mr. and Mrs. Webb in their scheme for a reorganization of English political institutions would have the current administration of of each nationalized industry or service directed by a National Board with power over administration and subject only to directions which it may receive from Parliament on matters of policy. It is suggested that the Board be nominated by the appropriate committee of Parliament and that it may be made up of heads of the principal branches of the administrative service to be controlled, representatives of the functionaries and representatives appointed to represent the interests of the

[1] *Ibid.*, p. 173. For some interesting remarks on the function of the civil service as a second chamber, as a check on ministers and the House of Commons, see Wallas, *Human Nature and Politics* (Boston, 1916), p. 249.

[2] C. T. Carr, *Delegated Legislation* (Cambridge, 1921); Fairlie, "Administrative Legislation", *Michigan Law Review,* January, 1920, and C. K. Allen, "Bureaucracy Triumphant", *Quarterly Review,* October, 1923.

[3] "We suggest that what is required for greater public control over policy is a Standing Committee of the House of Commons for each of the dozen or so great divisions of Government function at the present day; say Foreign Affairs, Defence, Finance, Justice, Communications and Transport, the promotion of Material Production, Employment, Supplies, Education, Health, the administration of the Dominions and Dependencies and of India, and Research. Each of these Standing Committees should be charged to make itself acquainted, week by week, with all the current proceedings of the departments assigned to it; and, without formulating any policy of its own, to report to the House of Commons from time to time as to the extent to which the policy laid down by the House, by statute or resolution, Estimates or Ministerial announcement, was being carried out, and with what apparent results. Naturally, the very idea is objected to — not least by the class of Ministers past, present and future—by all who do not want popular control. But this is the way to get it."—"Administrative Efficiency and Popular Control", *The New Statesman,* April 20, 1918.

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consumers and the community as a whole.[1] Such a tripartite board is in its composition analogous to the directorate contemplated by the Plumb Plan and the report of the Sankey Coal Commission in 1919.[2] Other writers think that nothing is to be looked for in the way of administrative or legislative inspiration from Parliament, the Cabinet, Royal Commissions, Select Committees, or Departmental Committees. Resort must be had to occupational representation. The German *Reichswirtshaftsrat* is the model to be followed.[3]

But before this is done legislative or semi-legislative committees will doubtless be experimented with still further and the organization in the French Chamber of Deputies will be studied as a scheme to be followed or shunned. It may be that the commissions make the executive do the work of Sisyphus: as soon as the stone is rolled up the hill with great difficulty it is dashed again to the bottom. It may be that commissions simply confuse responsibility and make for delay. M. Barthélemy quotes the saying that, "*Si Dieu avait chargé une commission de créer le monde le chaos régnerait encore.*"[4] But it may be also that in a system of commissions governmental reformers will discover the philosopher's stone for which they have been seeking. The danger is that they may find it only a stumbling block.

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[1] For the use by the Ministry of Food of a "Consumers' Council" during the war, see E. F. Wise, "The Civil Service in its Relation to Industry and Commerce", in *The Civil Servant and his Profession* (London, 1920), p. 86.

[2] S. and B. Webb, *op. cit.*, pp. 176-178. For similar proposals in France, see "Probus", *La plus grande France, la Tâche prochaine* (Paris, 1916) and *L'Organisation de la Démocratie* (Paris, 1918).

[3] Finer, *Representative Government and a Parliament of Industry* (London, 1923).

[4] *Op. cit.*, p. 100.

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ON METHODS IN THE STUDY OF POLITICS I

I

THE colored patches on ordinary political maps represent "states." "States" are essentially concepts of public law, primarily of international law; they come into being upon achieving recognition by a sufficient number of existing states to give them assured status; their boundaries are fixed by treaty and may or may not coincide with those of "nations", which in turn are political or sociological entities. Within each state there exists a piece of machinery called the "government", its distinguishing characteristic being authority to coerce by "legal" means, itself defining the term "legal."[1] Upon this governmental machine there continually operate numerous more or less highly organized interest groups, seeking to gain control of it in order to utilize it for their own purposes, in order to impose their own wishes under color of "the law." The resultant of these pressures we call the "process of government",[2] and although the structure and mode of operation of the machinery (and along with it the political ideas and habits of the people) differ widely from country to country, yet this underlying process is the same the world over.

The study of politics,[3] then, would include not only an ex-

[1] For example, killing a man may be rewarded under certain circumstances with commendation for the zealous performance of a public duty, but under others, with the electric chair — the determination as to what circumstances shall legally evoke either treatment resting always with the government. A discussion of any phase of the controversy over the nature of sovereignty is obviously outside the scope of the present article.

[2] A. F. Bentley, *The Process of Government.*

[3] From the point of view of the political scientist, this subject may perhaps be divided into four main fields—public law, political philosophy, politics and administration. As to the first two, they occupy a dual position, the former being also a branch of jurisprudence and the latter of philosophy. Both are indispensable to the student of politics, but neither *is* politics, at least not nowadays. Political theory comes into politics only in the determination or explanation of political activity. Politics deals with the formulation of public policies and the machinery through which they are expressed; administration,

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amination of the structure and mode of operation of various types of governmental machinery, but also an analysis of this common underlying process. The first of these fields does not concern us here.[4] Within the second, problems of methodology are now of prime importance. A study of the visible organs of government in their operation, though in advance of the older legalistic approach to political science, will not carry us far towards an understanding of those basic problems usually grouped under the heading, "popular control", such as public opinion, political issues, and party alignments. On the other hand, although progressive extensions of the suffrage, by widening the area of active participation in politics, have immeasurably increased the relative importance as well as the complexity and difficulty of analyzing the process of government, this field might pass as virgin. But first of all—what is the meaning of the terms "politics" and "political"?

With the activities of the New York State Medical Society, or the Actors' Equity Association, the political scientist is not ordinarily concerned; he would speak of them as professional, not political associations; indeed, he might be quite unaware of their existence. When, however, the chiropractors seek legislation favorable to their interests, and the physicians decide to oppose them,[5] or the actors meet with Mr. Gompers and officials of allied organizations with a view to curbing the influx of competing English artists,[6] these organizations may be said to be engaging in "politics." And so on up the scale—from the efforts of the East Harlem Storekeepers' Association,

with the modes of making those policies effective. Here dividing lines are somewhat difficult to draw, owing to the "twilight zone"—the determinations of policy involved in carrying out the main policies, these being made by the higher administrators and often under marked political pressure: e. g., the controversy over the Federal Reserve Board. Politics, like the other social sciences, begins with the original nature of man; psychology and social psychology are a necessary part of the student's preliminary training.

[4] It is to the methodology of this branch of politics that the researches of the National Conference on the Science of Politics are mainly directed.

[5] *The New York Times,* Feb. 9 and 13, 1922, March 19 and May 7, 1923.

[6] *Ibid.,* Feb. 2, 1922.

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Inc. to compel New York City by peremptory mandamus to remove pushcart peddlers from Park Avenue between 111th and 116th Streets,[7] to slavery, secession, free silver, world democracy and Darwinism—no matter how the question may be obfuscated, whenever it tends to involve a utilization of the machinery of government, then it becomes a "political issue", those concerned with it are involved in "political activity", and the phenomenon becomes one of those which it is the function of the political scientist to observe.

This holds true whether the activity be revolutionary or along purely conventional lines, whether the aim be to set up a new government or to utilize the existing machinery, whether one, few or many participate, whether the issue be economic, religious, or what not. For example, it is not essential that the student of politics concern himself with the problem of the economic interpretation of politics; this belongs to political philosophy. So also do all questions of political ethics. Nothing is more liable to lead astray than the injection of moral considerations into an essentially non-moral, factual investigation. Take another example, an agrarian revolt: the student of politics should limit himself to noting what differences of opinion exist, what groups hold the respective conflicting views, and the efforts to register them in governmental action; the evaluation of the theories themselves is the task of the economist, not of the political scientist.

From this standpoint it becomes evident how close is the relation of politics to all the other social sciences, and also how vague is the line of demarcation from them—undoubtedly vaguer at first sight, however, than after further consideration. Any human activity is liable sooner or later to have its governmental phases. It is the social process itself in its political aspects which we have to study. No more specific definition of its scope seems now feasible.

[7] *Ibid.*, April 2, 1922.

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II

It is both unnecessary and impracticable here to attempt a classification of the organizations whose activities the student of politics is called upon to note. Their name is legion.[8] Their objects may be specific, or embrace whatever is conducive to the interests of the group. In area of operations they range from those national or even international in scope to others purely local. In a great city like New York there are probably scores of associations established primarily in the interests of areas of but a few blocks. In point of time they vary from those great continuing organizations which have played a major rôle in shaping their country's history, to committees formed for promoting some specific object, or *ad hoc* coalitions of ex-

[8] See C. E. Bonnett, *Employers' Associations in the United States* (Macmillan, 1922). The following interesting enumeration of organizations active in Canadian political life appeared in the official organ of the western Canadian grain-growers (*Grain Growers' Guide,* 1913, p. 822) under the caption, "Don'ts for Grain Growers"—

"Don't agitate for lower tariff duties because you will offend the Canadian Manufacturers' Association.

"Don't agitate for lower freight rates because you will offend our three great railway companies.

"Don't agitate for cheaper money because you will offend the Bankers' Association.

"Don't complain about the high price of lumber because you will offend the Lumbermen's Association.

"Don't complain about the high rate of interest you pay on mortgages because you will offend the Loan and Mortgage companies.

"Don't advocate co-operative stores because you will offend the Retail Merchants' Association.

"Don't advocate taxing land values because you will offend the Real Estate Associations.

"Don't advocate honest politics because you will offend both the Grit and the Tory parties.

"Don't organize your own elevator companies, nor ship grain to your own grain company, because you will offend the elevator combine.

"Don't talk temperance, because that will offend the Wholesale Liquor Dealers' Association.

"Every other calling in Canada is organized except the farmers, and that is the reason the farmers get the worst of it in every deal, and always will get the worst of it until they are organized on business lines to protect themselves at all times."

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isting forces. These types may be illustrated by the following news items:

The President: It happens, gentlemen of the Chamber, that just one hundred and fifty-five years ago today, on April 5, 1763, the fathers of this Chamber met in the long room of Fraunces' Tavern and began its organization.[9]

The City's Commercial interests, as represented by the six big business, industrial and transportation organizations, have formed a Citizens' Transportation Committee to deal with all transportation problems and particularly the present congestion and restricted movement of goods, due to labor disturbances.[10]

Eleven financial institutions in this City [New York] have combined to provide a fund of $2,900,000 for mortgage loans on small homes in this city. The President of one of them is reported as stating, "They all appreciated how undesirable it would be if conditions should ever force the city or the State to go into the housing business.[11]

We are familiar with the tendency of organizations to persist after their avowed object is achieved. Moreover it is usually better policy to enlist the support of groups already more or less "institutionalized"—with their established contacts, prestige, enlisted leadership, funds, traditions and emotional loyalty—than to attempt to build from the bottom up for a transitory purpose.

Incidentally, we should note that although the weight of the average individual in the community is almost negligible, yet certain persons, by virtue of their prestige and strategic situation, may be considered virtually as interest groups in themselves.[12] Political parties play a dual rôle; they are at once integral parts of the governmental machine (especially under American conditions) and interest groups working upon that

[9] Chamber of Commerce of the State of New York, *Annual Report* (1922-3), pt. I, p. 335.

[10] *N. Y. Times,* May 15, 1920.

[11] *Ibid.,* August 6, 1921.

[12] For example, a Hearst or a Northcliffe. See G. Wallas, *Human Nature in Politics,* ch. ii, "Political Entities".

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government for their own ends.[13] The situation of government bureaus is similar, especially in regard to appropriations, or more indirectly where their professional functions are involved.[14]

Activities of course vary with the type of organization. For the most part they are non-political, though liable to become so at any time, as they use whatever means, political or other, are thought conducive to the ends sought. Convocations of designers decide upon our clothes for us (fortunately we do not have sumptuary laws as yet, so that their agenda are still non-political),[15] but the dancing-masters and clergy are much nearer the line and the bath-house interests are much exercised over the morality of our dressing elsewhere than in their establishments at the beaches. Business organizations in the municipalities concern themselves with city-planning,[16] with traffic regulation,[17] with the police department,[18] with municipal

[13] See note 8, *supra;* political parties are included among organizations there listed.

[14] *N. Y. Times,* June 10, 1922 — Governor Harding's statement denying Senator Heflin's charges, that Federal Reserve Board had engaged in "publicity propaganda". Other governmental units also act as interests. For instance, *Montreal Star,* August 28, 1922—Union of New Brunswick Municipalities requests provincial government to draft autonomous Municipalities Act and sends resolution to Dominion Government protesting high freight rates. *N. Y. Times,* January 18, 1920—Eight cities to join Chicago in sending delegations to Washington seeking further legislation to curb profiteers.

[15] But see *N. Y. Times,* April 11, 1923—Delegates to Convention of American Manufacturers of Toilet Articles criticize action of Supreme Court of Arkansas in ruling Little Rock School Board could prohibit use of lipstick and powder among the students.

[16] *Ibid.,* March 26 and 31, April 9, Dec. 10, 1922, March 11, 1923. An ordinance forbidding illuminated signs or signs projecting more than one foot beyond the building line was obtained by the Fifth Avenue Association in 1916. Originally affecting Fifth Avenue alone, it was extended to others at the request of that organization in 1920. Losing their legal fight and compelled to remove their signs, the 34th Street business men appear converted to the "down-with-the-electric-sign" movement and support an effort to darken 42nd Street also, which rouses the Broadway Association to offensive-defensive action.

[17] *Montreal Gazette,* June 18, 1921—Restaurateurs in Times Square district protest that traffic regulations during evening rush hours are costing them $15,000,000 annually. *N. Y. Times,* August 1, 1921—The "Heart of New York Business Mens' Association" is formed accordingly. "The Heart of New

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finance,[19] and so on. Some actively participate in the nomination and election of suitable public officers, and in the general oversight of the government. Our larger organizations interest themselves also in the structure and procedure of the government,[20] and in all matters of public policy, domestic or foreign, which affect them.

Consider the following important factor in determining the English attitude towards the wide issue of Imperial Preference—

> The middlemen of London and other seaports, who collect the manufactures of Europe and bring them into England free of duty, hence to be distributed over the eastern and western world, as a natural result stood stoutly against any tariff arrangement likely to interfere with their business, while the bulk of the representatives of the manufacturing districts, who are now feeling keenly the loss of one foreign market after another . . . stood firmly by the amendment calling for discrimination within the Empire.[21]

Similarly in regard to colonial administration—

> The United States Consul for Dundee in his report for 1885 states

York Business Mens' Association is the fourth organization to undertake a solution of the Times Square traffic problem."

[18] See criticisms by various organizations of Commissioner Enright's reorganization of New York City Police Department, and closing of station houses—*N. Y. Times,* January 15 and following, 1922; *ibid.,* March 9 and 23, 1922, and February 10, 1923. Taxpayers' suits (Citizen's Union) were brought to oust Lahey and Dolan from N. Y. police force. See also Chamber of Commerce, New York, *Annual Report* (1922-3), pt. I, pp. 2-9, regarding crime in New York.

[19] *N. Y. Times,* December 26, 1920—"Controller Craig and the City Government Committee of the Real Estate Board are drawing up bills to be introduced in the Legislature with a view to reform of tax conditions."

[20] *London Chamber of Commerce Journal,* April, 1902, suppl. p. 17—Unanimous resolution of Associated Chambers of Commerce of United Kingdom recommends radical changes in Parliamentary procedure. *Ibid.,* vol. 22, p. 1—Editorial advocating creation of Department of Commerce headed by business man. *Ibid.,* vol. 22, p. 27, and April, 1903, suppl. p. 15—Resolution strongly advocating franchise in municipal and local elections for limited liability companies. *N. Y. Times,* October 17, 1920—Engineering Societies advocate creation of Department of Public Works in United States Government.

[21] *Annual Report,* Winnipeg Board of Trade, 1923, p. 37—Report of Delegates to Second Congress, Chambers of Commerce of the British Empire.

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that the longer hours worked in the Calcutta jute mills was believed to be the determining cause in the depression in the jute industry of Dundee, arising from the competition of Bengal, and he adds that both employers and employed were consequently anxious that the ten hours a day factory act should be extended to India.[22]

The internal economy of the interest groups is directly designed for exerting pressure upon other interests and the government. There is an executive committee which makes decisions, passes resolutions and then bestirs itself to make them effective. For matters in which more solid backing is desired, there is the general meeting which discusses, resolves and instructs the executive or deputations; another device is the referendum of membership. There are standing subcommittees on important subjects; apparently most organizations have a committee especially devoted to current legislation. Thus the "Parliamentary Committee" of the Canadian Manufacturers' Association reports to their annual Convention (1900) that four meetings of the committee have been held since their last report:—

> At these meetings all the private and public acts of Parliament, both Provincial and Dominion, affecting the manufacturing interest of this country, were closely scrutinized by the Committee, and those acts which were considered detrimental were opposed as far as possible within the power and means of the Association, and with more or less success. In discussion a member expressed the hope that the treasury will have sufficient money so that when bills come down "we can have a representative there for the purpose of fully instructing the members as to the view we take upon any bills affecting the welfare of members of our Association."[23]

To aid in formulating its stand upon an issue, the organization may hold hearings analogous to those of our legislatures,[24]

[22] Chisholm, G. C., *Commercial Geography*, p. 13.

[23] *Industrial Canada* (official publication of the Canadian Manufacturers' Association), vol. I, p. 44.

[24] *N. Y. Times*, February 10, 1922 — Real Estate Board holds hearing on plan to extend Manhattan Island five miles.

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or enlist the aid of experts to advise them.[25] Prominent men are invited to give addresses, some of which, by officers of the government, are more in the nature of official reports of the latter's policies or conduct.[26]

That the rank and file may be strengthened in the faith and their possible doubts or scruples allayed, highly partisan articles, news items and editorial comments appear in their official publications. A good example of this is Watson Griffin's *Protection and Prices and the Farmer's Home Market* (Toronto, 1906), a reprint of articles in *Industrial Canada* written ostensibly to impress upon farmers the vital importance of their home market and their consequent dependence upon the protective tariff. Considering, however, the class which reads such official publications, one is tempted to believe that the direct influence of such propaganda on the opposing side is less important than its indirect utility in toughening the morale of the organization itself, which now appears to be working not only in its own interests, but also in those of its opponents, who are really mistaken in their stand. A very efficent mechanism of social control is built up, which the mere individual in that type of occupation would find it almost impossible to resist without fleeing to the camp of the enemy, and which outsiders hardly dare ignore.[27]

[25] *Ibid.*, January 22, 1922—"A plan to relieve the congestion of foot and vehicular traffic on Fifth Avenue was submitted to the Fifth Avenue Association last week by Harry Allan Jacobs, architect."

[26] *Ibid.*, November 19, 1920—Governor-elect Miller outlines his policies at 152nd annual dinner of the Chamber of Commerce of the State of New York. *Ibid.*, January 31, 1920—"Secretary Glass's letter to Homer L. Ferguson, President of the Chamber of Commerce of the United States is interpreted as the last word of the Government with respect to pecuniary assistance to European countries. . . . an amplification of the advice given . . . by Thos. W. Lamont, Bernard N. Baruch, Norman H. Davis, and other financial and economic experts to the Peace Conference." *Ibid.*, November 15, 1922—"Police Commissioner Richard E. Enright declared last night at the annual dinner of the Fifth Avenue Association . . . that the police department was 'at the end of its rope' as regards traffic control under present conditions."

[27] *N. Y. Times*, October 21, 1922—"The United States Chamber of Commerce in awarding the contract today for new headquarters here (Washington) to cost $2,500,000, specifically provided that the contractors . . . must follow the 'open shop' plan of employing labor for its erection." See also evidence before Lockwood Committee, New York.

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In endeavoring to influence governmental action, interests are versatile and ubiquitous. In an effort to secure a satisfactory formulation of public policy, they participate in the filling of elective offices, they act for and against legislative proposals, they suggest plans, more or less in detail, or even frame and secure the introduction of complete measures. In the case of the Gibbs-McWhinney bill providing for the licensing of all brokers and salesmen of real estate, "the bill was drafted by the New York State Association of Real Estate Boards, which is composed of twenty-three real-estate boards in up-state cities, in collaboration with the Brooklyn Real Estate Board and the Real Estate Board of New York." It was unsuccessfully introduced in 1920; was amended and passed the Legislature in 1921, but vetoed; repassed and signed April 15, 1922. Since then the Real Estate Board has bestirred itself to assist in the enforcement.[28]

On the administrative side, we find them registering complaints of nonfeasance or malfeasance either directly to the government, or indirectly to the press or other interests;[29] they may invoke one part of the government against another, as through a tax-payer's suit.[30] They may offer gratuitous advice on law enforcement, or cooperate with the government at the latter's request.[31] They may furnish volunteer personnel with

[28] See *N. Y. Times* for March 6, 1921, April 23 and October 1, 1922.

[29] *Ibid.*, October 1, 1920—Resolution of Executive Committee of American Legion demands dismissal of Assistant Secretary of Labor Post. *Ibid.*, Dec. 25, 1922—Allied Civic Coal Committee of Brooklyn announces it will call on State Fuel Administrator to demand resignation of Fuel Administrator for Brooklyn; *cf.* resignation of Director U. S. Reclamation Service last June, also footnote 18, *supra.*

[30] *Ibid.*, October 1, 1921—N. Y. Board of Elections mandamused *re* awarding contracts for voting machines for forthcoming elections. "The writ was obtained by Benjamin M. Day of the Jamestown Automatic Registering Machine Corporation . . . and who is also President of the New York Young Republican Club." See also footnote 18, *supra.*

[31] *Ibid.*, October 8, 1922—"A suggestion has been made to the Department of Commerce by the National Automobile Chamber of Commerce to adopt the loose leaf manual form in the publication of Commerce reports." *Ibid.*, September 15, 1922—Zone Chief Appleby designates an agent to confer with the President of the Jewish Theological Seminary "in an effort to secure the

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the same object,[32] or even act in place of the government whether requested or not.[33] When they do not actually supply part of the official personnel from their own number,[34] they at least exert themselves in the selection of appointive officers.[35]

cooperation of the Seminary in the campaign to stop the alleged abuses [bootlegging in alleged sacramental wines]. Dr. Adler came here especially for the conference."

[32] *Ibid.*, October 22, 1921—"A campaign against unnecessary noises has been begun. . . . Ten members of the Fifth Avenue Association have volunteered their services without compensation as sanitary reserves to undertake the enforcement of the law, ordinances and regulations covering noise offenders. Each member of this Committee is a duly constituted officer sworn in as a member of the Sanitary Committee of the Department of Health. . . . The Sanitary Reserves have been provided with summons books containing coupons."

[33] *Montreal Star*, June 25, 1920—Executive of Great War Veteran's Association decides to offer their services as mediators in strike at Halifax shipyards; *cf.* vigilance committees, lynching parties. Frequently action appears to be taken with a view to forestalling governmental interference, e. g. voluntary jury system to obviate political censorship of the stage. *N. Y. Times*, Dec. 14 and 25, 1922—Producing Managers' Association formulate plans for solution of theatre ticket situation in New York. *Ibid.*, December 12, 1922—"The owners and managers of public dance halls and a few cabarets met yesterday in the Hotel Astor and formed the New York Ballroom Association, which they will incorporate at Albany, to act as supervising agent of all dancing. They told Mrs. Geo. W. Loft, special Deputy Police Commissioner, that there wouldn't be a kick in or against dancing when they got through."

[34] *Grain Growers' Guide* (1913), p. 5—"We notice in Industrial Canada that J. R. K. Bristol, Dominion Appraiser and member of the Board of Customs, has been appointed manager of the tariff department of the Canadian Manufacturers' Association, in succession to R. W. Breadner, who has gone back to the employ of the Government. There seems to be unrestricted reciprocity in men between the Government and the Manufacturer's Association."

[35] *N. Y. Times*, January 2, 1921—"He (President-elect Harding) has been deluged with visits and letters from representatives of interests affected by the policies of certain departments. The strongest political pressure has been brought to bear upon him relative to appointments as Secretaries of the Interior, Agriculture and Labor. The most active interests have been the packers, millers, manufacturers and oil producers. Senator Harding has given them a hearing." *Ibid.*, February 21, 1923—"Opposition by business and labor interests investigated and exposed by the Housing Committee may cost State Senator Charles C. Lockwood of Brooklyn an appointment as U. S. Judge in the Eastern District of New York—the President is not expected to make a nomination displeasing to the Attorney General."

In regard to the parties—*ibid.*, April 27, 1920—"Ex-service men's National Political Vigilance Committee" organized to secure representation for ex-service men in the Councils of both political parties. *Ibid.*, May 6, 1921—

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The types of pressure used are verbal arguments of various sorts, letters, telegrams, speeches or propaganda articles, coming as cumulative pricks from individuals, or as forceful blows when delivered by the executive officers or legislative agents speaking for the whole membership, probably reinforced by resolutions, deputations, processions, press support, and similar alleged *indicia* of a widely held public opinion.

An interesting case of indirect approach was seen at the Imperial Conference of 1907. Hoping to utilize the strategic position of the Dominions in influencing a British government committed to free trade, tariff-reform interests in the United Kingdom directed their attention to the sympathetic colonial premiers. Note this extract from the discussion of Imperial Preference—

> Dr. Jameson (C. Colony): "I have been only three weeks in England, but I have received from various associations throughout England I believe a little over seven hundred resolutions in favor of tariff reform." Mr. Deakin (Australia): "I have had hundreds." Dr. Jameson: "I had them counted the day before yesterday and it was 680 then." Mr. Asquith: "Where from?" Dr. Jameson: "From different parts of the country—from England. A large number of these, I am glad to say, are from working men's associations."[36]

These pressures are focussed on the government and on other interests. They are turned on the party leaders, on candidates prior to election, on the local representative in the legislature, on the members of the committee charged with the measure, on the leaders in the chambers, and on the executive, on officials empowered to carry out the desired action, or on those capable of influencing them. Consider the following examples:—

In an open letter to the Republican State Committee, a copy of which was sent to each of the one hundred and fifty members, the New

Allegations to Lockwood Committee that prominent politicians own half stock in a concern controlling a plumbing device which is sole one authorized by Board of Standards and Appeals for sale in New York City.

[36] *Parliamentary Papers*, Cd. 3523, pp. 284-5.

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York Anti-Saloon League served notice yesterday that it would expect the party to nominate for Governor next year an out and out "dry" under pain of forfeiting the support of the League. [It states] none of the wet candidates who are now suggested, specifically Messrs. Machold, Roosevelt or Mills, are satisfactory.[37]

Labor leaders are bombarding all candidates for Congress at the November 1922 election with a questionnaire asking their views on public questions.[38]

The Citizens' Union is sending out a questionnaire to all candidates for the State Senate and Assembly, asking them to communicate their views on Municipal home rule and what should be embodied in the New York City Charter. . . . Candidates are also asked their attitude with regard to direct primaries, the Massachusetts ballot, reorganization of the administrative machinery of the State, . . . and the proposal for an executive budget.[39]

An eleventh-hour bombardment of Governor Smith with messages urging him to veto the bill repealing the Mullan-Gage Prohibition Enforcement Act was begun today following sermons on the subject yesterday in hundreds of churches up-state which have league affiliations.[40]

He [Senator Ashurst] appeared with packages of Western grown figs and dates and began a speech by sending pages around the floor with the fruit. When everybody was chewing comfortably, he asked for a $61,000 item for fig and date plant investigations, instead of $51,000 provided by the House. The Senators voted the additional $10,000 without missing a bite.[41]

Much of the direct pressure upon other interests would be by way of enlisting the support of organizations most closely allied to that immediately concerned, these in turn exerting pressure similar to that of the original group. Note how manufacturers stand together on the tariff, although the relation of each to schedules other than his own is that of consumer, and

[37] *The New York Times,* June 12, 1923.

[38] *Ibid.,* October 27, 1922.

[39] *Ibid.,* October 4, 1922.

[40] *Ibid.,* May 29, 1923.

[41] *Ibid.,* February 23, 1921; see also footnotes 18, 26, 29, 30, 35, *supra.*

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how the various capitalistic interests, industrial and commercial, unite against labor. Or to cite more concrete instances:—

Representatives of trade and realty organizations will meet today in the rooms of the Real Estate Board, 217 Broadway, to consider the board's program of housing legislation to be presented to the special session of the Legislature. . . . Among the organizations whose co-operation the board is seeking are the following: The Merchants' Association, Building Trade Employers' Association, Building Managers' Association, Brooklyn Board of Real Estate Brokers, Long Island Real Estate Exchange, Advisory Council of Real Estate Interests, Investing Builders' Association, Chamber of Commerce of Queens, Committee of Apartment House Owners and Builders, Brooklyn Chamber of Commerce, Hotel Men's Association, Chamber of Commerce of the State of New York, Broadway Association, and New York State Association of Real Estate Boards.[42]

Action of the western Canadian cattle growers in appealing directly to farmers and farm organizations in the United States for reduction of tariff rates on feeder cattle . . . has met favorable response from the American Farm Bureau Federation. . . . The Federation has taken the unusual step of broadcasting in this country [United States] the arguments of the Canadian farmers. This is accounted for by the fact that many United States farmers with big corn crops on hand which they cannot market because of railroad conditions are anxious to buy feeder cattle.[43]

Propaganda agencies, the moral forces in the community, with perhaps but a partial understanding of the issue in all its ramifications, public men with prestige, the pulpit, press and platform, and educational agencies are eagerly courted. Professional publicists are hired, straw votes are taken, tours made with a view to testing opinion in localities are reported, in fact everything is utilized which can be made into an ingredient of what is offered as a "united public opinion" upon the issue with which the original interest is primarily concerned.

"Public opinion" grows by a process of accretion, expressions of opinion by individuals and groups helping to form, in fact as a rule being deliberately intended to form, the opinions

[42] *The New York Times,* September 13, 1920.

[43] *Montreal Star,* September 1, 1922.

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of others. Thus it is incorrect to segregate consideration of the "formation" from that of the "expression" of public opinion. At the same time, expressions of opinion provoke contrary opinions; hence, save in times of crisis, we have turmoil and conflict, rather than "common will." The following extracts may serve to illustrate the process:—

Ship subsidy in some form is favored by a majority of the executives in industry, trade, commerce, transportation, finance and general business, according to opinions expressed in a symposium on this subject to be presented in the December issue of American Industries, the magazine of the National Association of Manufacturers.[44]

Administration plans for Government operation of the merchant marine fleet are opposed by the National Merchant Marine Association, of which Senator Joseph E. Ransdell of Louisiana is President. A questionnaire, circulated by the Association among its members has brought responses indicating that a majority do not think that a solution of the American shipping problem is to be found in Government operation. On the basis of replies to the questionnaire, the Association tonight issued a statement.[45]

Bankers of the nation have lined up behind an educational campaign to warn against radicalism.[46]

Advertising may be used by railroads throughout the United States to appeal to the public in the battle they anticipate with the so-called radical group in the next Congress, if either of two plans now under consideration is carried through.[47]

The National Association of Manufacturers announced yesterday the establishment of a national non-commercial motion picture distribution service to supply private and public exhibitors throughout the country with industrial process, educational and Americanization films. The service will begin simultaneously in all parts of the country on July 1.[48]

[44] *The New York Times,* November 27, 1922. A similar symposium in the February issue advocates amendment of the three per cent immigration law—*ibid.,* February 6, 1923.

[45] *Ibid.,* June 18, 1923.

[46] *Ibid.,* May 27, 1923.

[47] *Ibid.,* July 11, 1923.

[48] *Ibid.,* June 25, 1923.

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The Toronto Board of Trade has for years been fortunate in having the sympathetic appreciation and support of our magnificent Toronto papers without a single exception. It is a delightful duty on my part to here record that during the year just closed we have had, I think, a larger measure of this support throughout the entire work of the year than ever in past years.[49]

In the absence of a general and effective demand for the compulsory introduction of the metric system, the Board do not feel that His Majesty's Government would be justified at present in supporting so drastic a proposal for the sake of advantages that must, to some extent, be regarded as remote. It was suggested in the course of the debate in the House of Commons . . . that the manufacturers and traders of the country should themselves institute an inquiry into the whole question. Mr. Lloyd George welcomed the suggestion, and added that, until, as a result of such an inquiry, those mainly interested had arrived at a common agreement, and were ready to accept the change, it would be premature for Parliament to attempt any measure of compulsion.[50]

Here we are dealing with the problem of initiative in political action, the dynamic elements in the formation of effective opinion. This is a stimulating evolution from our previous passive treatment, which looked upon "Public Opinion", "the Common Will", as something to be *discovered* rather than something which is *made*, as a homogeneous mass rather than a heterogeneous complex of ingredients.*

A. GORDON DEWEY

COLUMBIA UNIVERSITY

[49] Toronto Board of Trade, *Annual Report*, 1911, p. 48, President's address (following the successful anti-reciprocity election campaign).

[50] *Parliamentary Papers*, Cd. 3524, p. 176—Letter Board of Trade to Colonial Office (March 28, 1907) regarding a resolution of Australia for the Imperial Conference of 1907 advocating simultaneous adoption of the metric system throughout the Empire.

* To be concluded in a later issue.

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PROPORTIONAL REPRESENTATION IN CLEVELAND

I

THE election of legislative bodies in the United States by the Hare system of proportional representation or single transferable vote is beginning to emerge from the realm of academic discussion. It is now a practical problem of government, particularly of the government of cities. A number of elections have been held in American cities under this system and the results in these elections furnish a body of interesting material with which to test the rather enthusiastic claims of those who believe that this system can solve some of the admitted defects of our legislative systems. Cleveland, the fifth city in the United States in population, elected its city council under the Hare system on November 6, 1923,—an event which marked the most important trial of this system in the United States up to this time.[1]

Cleveland adopted the charter providing for proportional representation and a city manager at its regular municipal elections in November, 1921. The campaign to adopt this new form of government—a radical departure for so large a city—was carried on by a handful of citizens, including several who have

[1] A complete list of the states, cities and other political divisions using the Hare system throughout the world on July 1, 1923, is contained in *The Proportional Representation Review* of July, 1923. This publication is issued by The Proportional Representation League, 1417 Locust Street, Philadelphia. In the United States the Hare system has been used in Cleveland (one election, 1923), Ashtabula, Ohio (five elections since 1915), Boulder, Colorado (since 1915), Kalamazoo, Michigan (one election, 1918), Sacramento, California (one election, 1921), West Hartford, Connecticut (two elections since 1921). The Supreme Courts of California and Michigan have declared the charter provisions providing proportional representation in Sacramento and Kalamazoo to be unconstitutional. The legislature of Connecticut in May, 1923, abolished the system used by West Hartford by providing that "No preferential or so called 'proportional' ballot shall be used in any election". The Supreme Court of Ohio sustained the Cleveland charter provisions in the cases of *Reutner v. The City of Cleveland,* 107 O. S. 117, and *Hile v. The City of Cleveland,* 107 O. S. 144.

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long been associated with civic reform movements in Cleveland, with some assistance from a few sympathetic labor-union officials. The strength of the campaign however was due to powerful support from *The Cleveland Press*, a newspaper with a very large evening circulation. The effort to have the voters approve the new charter was not taken seriously by the two political parties and they made little effort to oppose it. That the measure passed was due in large part to the fact that the municipal campaign that year was exceptionally dull and uninteresting. A wave of opposition to the old parties marked the election which elevated to the mayoralty a candidate who had no platform, did not make a single campaign speech, had no organization worthy of the name, and was not supported by either party. It is probable that the majority which enacted the new charter were moved much more by a desire for a change in administration than a conviction that a new form of government was needed.

The new charter abolished the old system of a council elected from thirty-three wards and substituted a council of twenty-five elected from four districts. These districts, with the population and the number of councilmen elected from each, are as follows:

District	*Population*	*Number of seats in council*
1	228,617	7
2	175,113	5
3	196,732	6
4	204,375	7

The designated number of councilmen are selected in each district by the Hare system of proportional representation. The council selects the city manager, who serves at its pleasure. There is also to be selected from the membership of the council a mayor who is to be the ceremonial head of the city and the presiding officer of the council.

The ballot in each district contained the list of names of all candidates[1] in that district with the following directions to the voter:

[1] Nomination is by petition signed by five hundred voters residing in the

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DIRECTIONS TO VOTERS

Put the figure 1 opposite the name of your first choice. If you want to express also second, third and other choices, do so by putting the figure 2 opposite the name of your second choice, the figure 3 opposite the name of your third choice, and so on. In this way you may express as many choices as you please. The more choices you express, the surer you are to make your ballot count for one of the candidates you favor.

This ballot will not be counted for your second choice, unless it is found that it cannot help your first choice; it will not be counted for your third choice unless it is found that it cannot help either your first or your second, etc.

The ballot is spoiled if the figure 1 is put opposite more than one name. If you spoil this ballot, tear it across once, return to the election officer in charge of the ballots, and get another one from him.

The process of counting the votes is described in the following extract from the Cleveland charter:

RULES FOR COUNTING BALLOTS

Sec. 164. Ballots cast for the election of members of the Council shall be counted and the results determined by the election authorities according to the following rules:

(a) On all ballots a cross shall be considered equivalent to the figure 1. So far as may be consistent with the general election laws, every ballot from which the first choice of the voter can be clearly ascertained shall be considered valid.

(b) The ballots shall first be sorted and counted at the several voting precincts according to the first choice of the voters. At each voting precinct the ballots cast for each candidate as first choice shall be put up in a separate package, which shall be properly marked on the outside to show the number of ballots therein and the name of the candidate for whom they were cast. The ballots declared invalid by the precinct officials shall also be put up in a separate package, properly marked on the outside. All the packages of each precinct, together with a record of the precinct count, shall be promptly forwarded to the central election authorities as directed by them, and the count-

district. The candidate need not be a resident of the district in which he stands for election. In this election only one candidate ran in a district other than the one in which he lived. It is interesting to note that he received the highest vote of any candidate in the city.

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ing of the ballots cast in each district shall thereafter be carried on by a central counting board for each such district, appointed by the central election authorities and acting under their direction.

(c) After the review of the precinct count of its district by the central district counting board, and the correction of any errors discovered therein, the first-choice votes of each candidate shall be added and tabulated. This completes the first count.

(d) The whole number of valid ballots cast in the district shall then be divided by a number greater by one than the number of seats to be filled in the district. The next whole number larger than the resulting quotient is the quota or constituency that suffices to elect a member.

(e) All candidates the number of whose votes on the first count equals or exceeds the quota shall then be declared elected.

(f) All votes obtained by any candidate in excess of the quota shall be termed his surplus.

(g) Any surpluses there may be shall next be transferred, the largest surplus first, then the next largest, and so on, according to the following rules.

(h) In the transfers of a surplus, transferable ballots up to the number of votes in the surplus shall be transferred to the continuing candidates marked on them as next choices, in accordance with rule (m). The particular ballots to be taken for transfer as the surplus of a candidate shall be obtained by taking as nearly an equal number of ballots as possible from the transferable ballots that have been cast for him in each of the voting precincts. All such surplus ballots shall be taken as they happen to come without selection.

(i) "Transferable ballots" means ballots from which the next choice of the voter for some continuing candidate can be clearly ascertained. A "continuing candidate" is a candidate as yet neither elected nor defeated.

(j) Whenever a ballot is transferred from one candidate to another, it shall be tallied or otherwise recorded by a tally clerk assigned to the candidate to whom it is being transferred. Each tally clerk shall take care not to receive for his candidate by transfer more ballots than are required to complete the quota.

(k) The votes standing to the credit of each candidate shall be added and a tabulation of results made whenever a comparison of the votes of the several candidates is necessary to determine the next step in the procedure. Each tabulation, together with the transfers of ballots made since the preceding tabulation, is referred to in this section as a "count".

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(l) After the transfer of all surpluses (or after the first count if no candidate received a surplus) every candidate who has no votes to his credit shall be declared defeated. Thereupon the candidate lowest on the poll as it then stands shall be declared defeated and all his transferable ballots transferred to continuing candidates, each ballot being transferred to the credit of that continuing candidate next preferred by the voter in accordance with rule (m). Thereupon the candidate then lowest shall be declared defeated and all his transferable ballots transferred in the same way. Thus the lowest candidates shall be declared defeated one after another and their transferable ballots transferred to continuing candidates.

(m) Whenever in the transfer of a surplus or of the ballots of a defeated candidate the vote of any candidate becomes equal to the quota, he shall immediately be declared elected and no further transfer to him shall be made.

(n) When candidates to the number of seats to be filled have received a quota and have therefore been declared elected, all other candidates shall be declared defeated and the election shall be at an end; or when the number of continuing candidates is reduced to the number of seats still to be filled, those candidates shall be declared elected whether they have received the full quota or not, and the election shall be at an end.

On the evening of election day the local election officers in each of the 777 voting precincts of the city counted all "first choice" votes and placed all ballots in envelopes according to the requirements of the charter. For the task of transferring the ballots of the four districts the election officials provided a space in the Public Auditorium as long as a city block and half as wide. The count for each district was conducted separately by a specially trained staff of clerks. Two hundred clerks were required for the work. The equipment used in transferring the votes of each district consisted of: (1) a series of large boxes to hold the ballots belonging to each candidate, (2) a series of smaller boxes to be used in the transfer of each group of ballots, (3) a large blackboard for the display of the entire statistical process of transferring ballots. The work of rechecking the first count and of transferring started the second day after election and was completed six days later.[1]

[1] One commonly urged objection to proportional representation is that it is

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Approximately forty-six working hours were used. The public was admitted to the proceedings.

The number of candidates, vote by districts and quotas were as follows:

District	*Seats in the Council*	*Candidates*	*Registered Voters*	*Valid Ballots*	*Quota*
1	7	38	40,261	32,879	4110
2	5	20	22,688	18,620	3104
3	6	18	25,995	20,740	2963
4	7	43	43,049	33,607	4201
	25	119	131,993	105,846	

Four candidates were elected on first choice votes, and six others received the required quotas in the process of transferring votes, while fifteen were elected without receiving the quotas. The large number of candidates elected without receiving a quota is very striking. Mathematically the reason for it is that a sufficient number of voters did not express a sufficient number of choices to have their ballots count for some candidate. Actually it was due to the large number of candidates. This situation raises the question whether this system may not rather easily result in a mere plurality choice, one of the difficulties of ordinary elections which proportional representation is intended to prevent. In the second district all the candidates elected failed to secure a quota after the entire transferring process was finished. The total votes of all of the elected candidates in this district were 13,763 of a total of 18,720 valid ballots. Twenty-six per cent of the voters of this district thus failed to express a sufficient number of choices to make certain the count of their votes. This may have been due to indifference, to a quite reasonable failure to know a sufficient number of candidates to justify a long series of choices, or to an absence of "like-mindedness" which resulted in a wide scattering of the votes among many candidates. It is probable that the latter was the more important reason.

likely to cost more than an ordinary election. The advocates say that it really is economical because it eliminates the need of a primary. This election cost about $85,000. The cost of an ordinary municipal election has been $60,000. This election cost about the same amount as a primary plus an election.

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The total number of valid ballots in all districts was 105,846, of which 85,639 or 81 per cent were actually used in the election of candidates.[1] In the election of councilmen in 1921 held in Cleveland under the preferential voting system only 54,718 of a total vote of 128,686 went to the successful candidates.[2]

Twenty-three of the thirty-three members of the old council were candidates. Sixteen were elected. Three of the new councilmen were elected by party votes; they are men of about the same type as the group reelected. Five call themselves "independent", although one of them received the Republican endorsement. Of these "independents" W. J. Kennedy seemed to have been elected by a rebellious faction of the Democratic party. Another, Mrs. Helen Green, by a large number of "dry" and "native American" votes. Peter Witt, the third, was a well known political figure strongly supported by a newspaper. A Professor, A. R. Hatton, well known throughout the city, was supported by three newspapers and received the suffrages of many voters interested in civic reform. The remaining "independent," Miss Marie Wing, had been the secretary of the Y. W. C. A. and was well known to the women of the city. That these "independents" represent groups

[1] In the Irish elections held this year under the Hare system approximately 90 per cent of the votes actually counted toward an elected candidate. The number of candidates, however, was much smaller in comparison with the seats to be filled than in the Cleveland election. See "The Irish Free State Election, 1923", by John H. Humphries, *The Contemporary Review*, vol. 124, no. 694.

[2] It is significant that the election of councilmen and mayors in Cleveland has been under the preferential or "Mary Ann" system. This type of ballot is a three choice "non-partisan" system claimed to provide a means for securing a majority choice without a party primary. Five mayoralty elections have been held in only two of which the successful candidate has received a majority even after all of his "choices" had been counted. In the elections of 1921 the successful candidates for the council received only forty-two per cent of the votes cast. In the thirty-two ward contests only fourteen elected candidates received a majority on all "choices" while eleven or about thirty per cent received a majority of first choice votes. Elections under this system in Cleveland have offered little improvement over a simple election by pluralities with nominations by petition. Compared with this system the Hare method offers marked advantages.

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or factions heretofore unrepresented because of the unfairness of the ward system is not at all clear. It is probable that Professor Hatton or Mr. Witt, supported as they were by powerful newspapers, could have been elected under the old system in any one of a dozen city wards including the wards in which they live. Mr. Kennedy was a candidate in 1921 in one of the wards and was defeated. His election seems to have been desired by a faction of one of the major parties and can be rightly viewed, by believers in the representation of every considerable minority, as a justification of proportional representation. Mrs. Helen Green is county president of the W. C. T. U. The group interested in the philosophy of that organization doubtless supported her. She received heavy support from the transferred ballots of the former secretary of an organization which regularly issues what is commonly known as "The Yellow Ticket" and which is quite generally thought to represent an anti-Catholic, anti-Semitic and anti-immigration point of view.[1] That this sort of "minority" should appear is not surprising to those who have observed the effects elsewhere of so-called non-partisan elections.

Politically the new council comprised fourteen organization Republicans, six organization Democrats, one "independent" who was endorsed by the Republican party, one "independent" Democrat and three genuine "independents". One of the Democrats was supported openly by the Republican leader. The Republican majority will organize the new council, probably elect a manager from among Cleveland Republican leaders and presumably determine the character and personnel of the entire administration. There will be healthful opposition from the "independent" group, but it is not likely to be in a position to wield much power, particularly because the Democratic group will be more likely to aid the Republican majority than the non-partisans.

[1] This ticket was quite generally called the "Klan" slate although the connection was denied by the officers of the organization which issued it.

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II

It is interesting to note the effect of this new method of election upon campaign policies and methods. Until the last few weeks before election the two political parties seemed to be perplexed as to the most effective methods to be used in such an election. They then placed several candidates in the field, endorsed others, adopted platforms, and issued a small amount of "literature". The Republican party, which for six years has had a safe majority in the council, conducted a most painstaking and, judged by the results, successful campaign. The Republican leader in Cleveland has always followed a policy of maintaining a harmonious and united front in the face of the enemy by making many wise shifts and trades before the campaign begins. In this campaign there is much evidence that he gave great care and attention to the selection of the group who should represent his party in each district. Race, religion and nationality were considered. A Czech was withdrawn in one district to give a clear field to a rival, a stronger and more favored member of that group. A sitting councilman was induced to give up his right to run for reelection by the promise or hope of support for a judgeship. A few weak ones were eliminated, presumably by other inducements. Finally the approved "slate" appeared. In two districts more than the entire number to be elected were endorsed, in one the same number, while in one district the number of candidates supported by the Republican group was smaller than the number to be elected. It was quite generally believed that the Republican organization would not seriously oppose certain organization Democratic candidates. It is a fact that the Republicans put only four endorsed candidates into a district in which five were to be elected in order to make more certain the election of a friendly Democrat. If there had been a sufficient number of independents elected to endanger the control of the council by either party the purpose of these preliminary precautions would have appeared. It was the general belief that under such a condition there would have been a temporary coalition of the two parties with a resulting

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"proportional representation" of each in the jobs to be filled after the manager was elected.

The parties held no large meetings and did little advertising except to publish their platforms and approved lists of candidates. Less money was spent by the parties than usually although the individual party candidates spent more. Where the party was well organized the old ward lines were respected by party candidates. Each sitting councilman who was running sought for all of the first-choice party votes in his ward. His colleagues on the party ticket, he permitted to enter his "house meetings" and solicit second and other choice votes. He himself instructed his followers to give other endorsed party men other choices. But in the last analysis the party sought to preserve to the best of its ability the individual following of each candidate in the ward which he had formerly represented. One particularly strong candidate secured 3434 of the 3884 votes in his ward. The Democratic party organization has been out of power in the city administration for nearly eight years. It is consequently very weak and politically emaciated. Six organization Democrats were elected, probably more on account of their personal following than because of organized party strength.

Next to the parties in influence was the press. One evening paper supported the Republican candidates but published very little news concerning the campaign. The other evening paper concentrated on one strong candidate in one of the districts. Eighty per cent of its news concerning the campaign was devoted to this favored candidate. The large and important morning paper gave some space to the campaign each day, making it even more prominent than its news value warranted because of a genuine desire to rouse public interest. But it found very difficult the task of extracting interesting issues from the discordant localisms and special pleadings of so many individual causes. All of the newspapers sought to "educate" the public by publishing a series of explanatory articles written by special writers sent out by the national organizations supporting proportional representation.

The campaigns of other "group" interests were largely limited

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to the publication and dissemination of "slates." There were slates without number, some of which were issued by the following: the two political parties, six newspapers, the Federation of Labor, the Citizens' League, the Fraternal Order of Eagles, the Guardians of Liberty, the Ohio State Maintenance League,[1] the "slot machine" group[2] and numerous lesser organizations. The effect of these "slates" is difficult to evaluate. Those published by the newspapers, the parties, and the Citizens' League had considerable influence because they were backed by active support. But it is doubtful if any of the others had an important bearing upon the election.

III

The general purpose of the Hare system of proportional representation is to alter the fundamental basis of representation. It substitutes for constituencies based upon geographical areas groupings based upon psychological preferences. Its advocates claim that it offers to voters "who live apart but think alike" the opportunity to unite upon one or more candidates of their choice. The system therefore contemplates a sort of representation in which constituencies may be political, economic, religious, or racial. The system does not seek to exclude political parties as such but to give them representation according to their numerical strength. But it does not permit them to indicate their existence by anything that appears upon the ballot. Whether this new kind of grouping of the voters for the purpose of electing a city council will operate to improve the character of municipal administration, whether it will increase public interest in government and whether it will produce better public officials, are questions which cannot be determined until more facts are available and better methods of measuring such intangibles are discovered. But this election in Cleveland offers an opportunity to test some of the more common claims of the

[1] Reprinted by the United Brewery Workers Union "so that the liberal voters may know the dry candidates".

[2] This "group" was interested in a material way in protecting the operation of slot machines in the city. They issued fifty thousand copies of their "slate" in one district alone.

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advocates of the Hare system as applied to city councils in the United States. The more important of these claims for proportional representation as applied to city councils and the pertinent facts in the Cleveland election are the following:

1. "*The Hare system reproduces in the representative body the true interests and opinions of the voters in their true proportions. Each party or group that is revealed by the ballots, whether organized beforehand or not, secures the number of representatives it is entitled to—no more, no less.*" [1]

This statement implies that the new groups revealed by a proportional representation election will have a more vital relationship to the interests of the voter than the groups under the old ward and party system. But it does not follow that such groups have a more vital relationship to city government than the ward and party groups. On the contrary it is to be doubted whether groups of Poles as members of a nationality have any special claims to or interest in the affairs with which a city council deals. Nor has the W. C. T. U., except perhaps in certain kinds of law enforcement. Surely there cannot be Jewish and anti-Jewish ways of running a city.

The council elected in this election will be hailed as a most representative body. It will be truly said that the council will represent "wets" and "drys," men and women, Roman Catholics and Protestants, Czechs, Magyars, Poles, Irish, Jews, Germans, and colored voters. Big business and little business people are there, and most of the other sorts of people into which a city's population is divided. But a comparison of the personnel of this council with that of others which have preceded it reveals the fact that the parties have in reality always recognized these groups and have sought to make allowance for them in selecting candidates. The difference now is that they presumably represent these groups directly instead of indirectly through a party. With the exception of the interests represented by one or two of the new "independents" mentioned above, all of these representative elements have been in the council before.

[1] *Proportional Representation Review,* Fundamentals Issue, January, 1918, p. 30.

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There are other groups which perhaps have a more vital relationship to government than these nationalistic, racial and religious elements. There are the groups based upon economic interests. What of organized labor and the Socialists? The election seemed to indicate that these groups, in spite of the fact that they are somewhat numerous in Cleveland, did not seek direct representation. Walter H. Clem who was in 1922 president of the Cleveland Federation of Labor, was a candidate and received only 284 first-choice votes in a total of 32,872. John J. Willert, who is a well-known Socialist of considerable ability, was elected to the council in 1917 from a ward. He was a candidate this year and received only 869 first-choice votes. It is quite certain that many voters who have voted the Socialist ticket in the past voted this time for progressive independents, or for sympathetic party candidates, or failed to vote at all.

On the other hand the cohesion of nationalistic groups is shown throughout the results of the election. There are several significant examples. In District 2 there are many voters of Polish birth. Recognizing this, the Democrats put forward Mr. Orlikowski and the Republicans Mr. Benkoski. In the transfer of Benkoski's votes Orlikowski received 411, while three Republican organization candidates received together only 145. This fact shows quite conclusively that race prevailed over party. Likewise in the transfer of a Hungarian's votes most of them went to a fellow-countryman of the opposite party. Whether a council so largely based upon such a grouping of voters has a more vital relationship to the actual job of a city council, which is to choose a city manager and direct him in the administration of a city's business, can well be questioned.

The assertion of the advocates of proportional representation that the parties will be more equitably represented under the Hare system challenges thoughtful consideration. No one can deny the serious inequalities under a ward or district system. In Cleveland there is no satisfactory way of determining the exact proportion of Democrats and Republicans. In 1920 Harding carried the city; in 1921 an independent Republican was elected mayor; in 1922 a Democratic candidate for governor received a small majority. In the old council sixty per cent

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were Republicans, thirty-four per cent were Democratic and six per cent were independent. In the present council the percentages are fifty-six, twenty-four and twenty.

2. *By compelling the parties to nominate their "ablest and most trusted leaders"*[1] *and by permitting candidates to run who would not be likely to be successful in ward politics, it should result in a more able group of representatives.* Parties under the Hare system will nominate the same sort of candidates as they always have—the best "vote-getters." In several instances in Cleveland men who were elected were not rated even by the leaders of their own parties as of sufficient ability to make desirable councilmen. They were elected because of wide acquaintance or long service, or, in one case, because of wide advertising. A cigar manufacturer whose name appears on thousands of cigar boxes in scores of stores throughout the city found proportional representation much to his liking. He received more first-choice votes than any other candidate except Mr. Witt. His ability is described by the Citizens' League in the following statement: "His long record in the council has not disclosed those qualities which are necessary for effective service in the new council." In the same district a former president of the council, a member of Congress from 1921 to 1923, described by the Citizens' League as "an independent and able public official with intimate knowledge of the city's needs", was defeated. This man demonstrated in several preceding elections that he could be elected in a ward where voters could know him intimately, in spite of his inability to make a wide appeal through effective public speaking or by winning the friendship of the city desk of a newspaper. The kind of campaign that the Hare system requires does not necessarily give "the race to the swift, nor the battle to the strong . . . nor yet favor to men of skill, but time and chance happeneth to them all."

The average ability of the new council is to a degree better

[1] This argument appears in *The Proportional Representation Review*, January, 1918, and also in J. Fischer Williams, *The Reform of Political Representation*, London, 1918.

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than the old one which it succeeds. The best and the worst of the old group have been reelected. The new members, including the "independents", constitute an element of improvement. Two of them, perhaps three, rank with the best of those carried over from the old council; the remaining ones are of the average type found in preceding councils. It is difficult, if not impossible, to "rate" the personnel of the members of the old and the new council and to determine with any degree of accuracy the relative ability of the two bodies. Three competent persons who estimated the value to the council of each member of the old and of the new group and averaged their estimates found that the new group averages slightly better. If such an estimate could be expressed in mathematical terms the improvement would be about three or four per cent. This failure to achieve a marked improvement in personnel was due to the inability of reform groups to get a large number of exceptional candidates into the contest. Of the 119 candidates not over ten were of a type not usually found in contests for council seats in an ordinary election.

3. "*By giving each voter a share in the election of a member of the representative body . . . it encourages voting, increases interest in public affairs and makes the act of voting easy.*"[1]

The most accurate measure of interest in an election is the proportion of the qualified electors who register and vote. Upon this basis the first election in Cleveland under proportional representation did not "encourage voting", nor did it "increase interest in public affairs." In 1920 seventy-six per cent of the estimated number of qualified voters cast ballots for the presidential candidates in Cleveland; in 1921 sixty-five per cent participated in the mayoralty election; in 1922 forty-seven per cent voted for the candidates for governor, United States senator and other officers; while in the election just held under proportional representation for councilmen, forty-two per cent participated. This is significant when it is considered that this council will exercise the combined powers of a mayor and council which existed under the old charter. Interest in the election

[1] *Proportional Representation Review*, January, 1918, p. 30.

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of a body which will exercise such important powers should compare favorably with that manifested in the election of a mayor under the old system. That such interest did not exist is indicated in the following comparative statistics:

	Registration	Total vote	Per cent below registration	Valid ballots	Per cent invalid ballots
1921 election of mayor ..	167,775	154,123	8	150,455	2.3
1923 election of council..	131,993	114,613	13	105,846	7.6

Compared with the election of councilmen in 1921, an event which was overshadowed by the campaign for the office of mayor, the 1923 election still reveals less interest. In that year seventeen per cent more valid votes were cast for candidates for the council than in 1923.

4. "*It gives every voter the satisfaction of marking his ballot according to his real will regardless of any candidate's weakness without wasting his vote.*" [1]

It is quite obvious that the voter, in order to be reasonably sure that his ballot will actually count in the election of some candidate, must vote for a large proportion of the candidates. This becomes very difficult with a large number of candidates on the ballot. With as many as forty-three, the average citizen's choice is limited to the ten or twelve candidates whom he knows sufficiently to enable him to express an intelligent series of choices. It may be that some method will have to be devised to reduce the number of candidates in order to eliminate this difficulty.

But the proportion of votes cast in this election for candidates who were actually elected was very favorable to the claims of the advocates of the Hare system. In 1921 only forty-two per cent of those who cast valid votes participated in the election of the successful candidates; in 1923 eighty per cent participated.

[1] *Proportional Representation Review*, Supplement, July, 1918.

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GENERAL E

REGULAR MUNICIPAL ELECTION FOR CITY COUNCILMEN ELECT

No. to be Elected 6 Quota 2963	1st Count	2nd Count Transfer of Finkle's Surplus		3rd Count Transfer of Heinrich's Votes		4th Count Transfer of Harris' Votes		5th Count Transfer of Thomas' Votes		6th Count Transfer of Schulze's Votes		7th Cou Transfer Butler' Votes	
		Ballots	Result	Ballots	Result	Ballots	Result	Ballots	Result	Ballots	Result	Ballots	Result
1 Bronstrup (R.)	1387	1065	2452	15	2467	7	2474	15	2489	12	2501	16	25
2 Butler	392	36	428	5	433	5	438	12	450	7	457	*457*	...
3 Carroll (D.)	723	91	814	4	818	6	824	7	831	9	840	48	8
4 Ferris	790	45	835	4	839	26	865	4	869	56	925	17	9
5 Finkle (R.)	5314	*2351*	2963	....	2963	....	2963	....	2963	....	2963	....	29
6 Fleming (R.)	2915	48	2963	....	2963	....	2963	....	2963	....	2963	....	29
7 Harris	164	27	191	4	195	*195*	.....	.....	.....	.....	.....	.....	...
8 Heinrich	130	56	186	*186*	.....	.....	.....	.....	.....	.....	.....	.....	...
9 Lyons (D.)	427	21	448	7	455	10	465	4	469	5	474	28	5
10 McGinty (D.)	2087	293	2380	13	2393	27	2420	14	2434	10	2444	82	25
11 Murrell	858	99	957	7	964	9	973	24	997	5	1002	28	10
12 O'Reilly (R.)	622	165	787	3	790	8	798	7	805	10	815	48	8
13 Reynolds (D)	417	42	459	7	466	9	475	8	483	7	490	27	5
14 Schulze	245	24	269	17	286	7	293	2	295	*295*	.....	....	...
15 Thomas	166	30	196	3	199	5	204	*204*	.....	....	.....	....	...
16 Walsh (D.)	2069	76	2145	15	2160	3	2163	14	2177	31	2208	32	22
17 Wing	1650	113	1763	23	1786	33	1819	12	1831	69	1900	52	19
18 Zupnik	380	119	499	12	511	5	516	1	517	10	527	4	5
Scattering	4	1	5	*5*	.....	....	.....	....	.....	....	.....	....	...
Ineffective Ballots	.....	....	5	52	52	35	87	80	167	64	231	75	3
Totals	20740	....	.....	....	20740	....	20740	....	20740	....	20740	....	207

Candidates endorsed by the Republican and Democratic parties are indicated by (R.) and (D

The claims commonly made by those who do not favor the Hare system—that it presents great mechanical difficulties in counting the votes, that it increases the danger of fraud, and that the possibility of errors is large—were not strengthened by the actual operation of the system in this election. The counting process was well organized by the board of elections and was carried to its conclusion without serious errors or confusion. Mechanical difficulties cannot justly be regarded as an insuper-

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:T RECORD

EMBER 6, 1923, IN THE CITY OF CLEVELAND, OHIO

Count	9th Count		10th Count		11th Count		12th Count		13th Count		
ısfer of ons's otes	Transfer of Zupnik's Votes		Transfer of Reynolds' Votes		Transfer of Ferris' Votes		Transfer of Carroll's Votes		Transfer of Murrell's Votes		Elected Candidates with Order of Election
Result	Ballots	Result	Ballots	Result	Ballots	Result	Ballots	Result	Ballots	Result	
2533	37	2570	31	2601	102	2703	57	2760	80	2840	1 Bronstrup (6)
.....	....	.....	...	.....	....	.....	....	.....	....	.....	2
908	25	933	54	987	16	1003	*1003*	.....	....	.....	3
946	7	953	6	959	*959*	.....	....	.....	....	.....	4
2963	....	2963	....	2963	....	2963	....	2963	....	2963	5 Finkle (1)
2963	....	2963	....	2963	....	2963	....	2963	....	2963	6 Fleming (2)
.....	....	.....	....	.....	....	.....	....	.....	....	.....	7
.....	....	.....	....	.....	....	.....	....	.....	....	.....	8
.....	....	.....	....	.....	....	.....	....	.....	....	.....	9
2623	58	2681	116	2797	33	2830	133	2963	....	2963	10 McGinty (3)
1041	3	1044	20	1064	34	1098	30	1128	*1128*	.....	11
926	21	947	71	1018	26	1044	131	1175	78	1253	12
616	18	634	*634*	.....	....	.....	....	.....	....	.....	13
....	....	.....	....	.....	....	.....	....	.....	....	.....	14
.....	....	.....	....	.....	....	.....	....	.....	....	.....	15
2338	73	2411	143	2554	28	2582	194	2776	65	2841	16 Walsh (5)
1982	52	2034	86	2120	542	2662	74	2736	227	2963	17 Wing (4)
538	*538*	.....	....	.....	....	.....	....	.....	....	.....	18
.....	....	.....	....	.....	....	.....	....	.....	....	.....	
363	244	607	107	714	178	892	384	1276	678	1954	
20740	....	20740	....	20740	....	20740	....	20740	....	20740	

gures in italics in each column marked "Ballots" indicate number of votes transferred to giv e sult."

able obstacle. The ultimate success or failure of the Hare system must depend upon more fundamental and important tests to which it must be submitted in subsequent elections. Its first trial in Cleveland, however, seems to have revealed the need of a careful revision of the too extravagant claims of its supporters.

RAYMOND MOLEY

COLUMBIA UNIVERSITY

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REVIEWS

Die deutsche Revolution. By EDUARD BERNSTEIN. Berlin, Verlag Gesellschaft und Erziehung, 1921.—Erster Band, 198 pp.

In this volume the author describes the course of the German revolution from its outbreak in the early days of November, 1918, to the election of a German constituent assembly in the following January. A second volume is to cover the work of this assembly, which gave the German republic its present organization.

In a brief introductory chapter the responsibility for the World War is thrown squarely on the German imperial government. Consciousness of power had developed into megalomania: *Machtbewusstsein* had become *Machtdünkel.* William II imagined that he could grant or refuse war licenses like hunting licenses. The Austro-Hungarian war against Serbia was to be and "woe to him who interfered."

The prime cause of the revolution was a growing conviction that the war was lost and that there could be no motive for further resistance except the desire of the authorities to take a gambling chance of saving "the system." The situation was first clearly perceived at the front: the soldiers and sailors could not so easily be deceived as the home public. The military leaders sent word to the imperial government, September 24, 1918, that it could no longer count on the army and that an armistice must at once be sought. This led to the attempt, usually made on the eve of a revolution—and usually, as in this case, made too late—to save the dynasty by concessions. In the brief chancellorship of Prince Max of Baden two Social Democrats were taken into the imperial ministry, political offenders were released, the censorship of the press was relaxed and on October 28 the emperor signed a bill establishing parliamentary government. Meanwhile, however, largely because of President Wilson's announcement that no peace could be made with the existing German authorities, Socialist journals were demanding the emperor's abdication. Wilson's announcement, coupled with his suggested terms of peace, created a widespread belief that the interest of Germany required this sacrifice. On October 28 the Socialist minister Scheidemann wrote in this sense to the chancellor. Two days later the emperor fled to army headquarters.

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On October 28th a strike was declared by the sailors at Kiel. They had learned that the fleet was to put to sea and offer battle. The attempt of the officers to break the strike, November 3, was resisted, and after a brief conflict the mutineers gained complete control of the fleet. The Kiel garrison joined the insurrection. Within seven days, November 4 to 10, the revolution spread throughout the empire. Workingmen and soldiers everywhere made common cause; resistance was hopeless; and with singularly little bloodshed the single states and the empire were turned into democratic republics.

The movement was led and directed by Socialists. Long before the outbreak of the revolution Socialist propaganda had been conducted in the navy and among the troops in the field as in the home garrisons and among the civilian population. This propaganda, Bernstein insists, was not the cause of the revolution; but the leadership and conduct of the movement fell to the Socialists because they most clearly represented hostility to autocracy and militarism and because they were not only the largest but also by far the best organized of German parties. Promising peace, freedom and food, they commanded general sympathy and gained almost universal support.

All the revolutionary governments, local, state and national, were organized on the Russian model, as executive committees deriving their authority from workingmen's and soldiers' councils. In agricultural districts peasant councils also appeared. At the outset these executive committees were usually self-constituted groups of party leaders; but in every case their authority was formally confirmed by the local councils or by assemblies of delegates elected in these councils. The workingmen's councils were almost wholly Socialist. In the soldiers' councils there was of course a larger bourgeois element, but even here, as a rule, the Socialists were dominant. The executive committees, i. e. the governing bodies, were in most cases wholly Socialist. In some German cities and states, however, representatives of the more democratic bourgeois parties, Progressives and Centrists, were included. In most of these governments, notably in the national government, experienced officials were wisely retained in the administrative departments; but Socialist control was assured in every case, either by putting Socialists at the head of the several departments, or by introducing Socialist adjuncts (*Beigeordnete*).

The revolutionary governments were seriously weakened by internal dissensions. Among the Socialists there were, of course, radical differences of opinion, not only as regarded the methods by which their ideals were to be realized, but also as regarded the ultimate constitu-

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tion of the socialist commonwealth. There were evolutionary Socialists, whose immediate aim was the establishment of a really democratic republic. There was a smaller but important body of revolutionary Socialists, who demanded that the republic be organized on thorough socialistic lines. There was finally a still smaller group of Communists, whose aim was the rule of the nation by the working classes. This so-called "Spartacus" group was essentially Bolshevist. Its leaders received large subventions from the Russian government.

These inevitable divisions were crossed and confused by a line of political cleavage. At the outbreak of the World War the majority of the Social Democratic deputies in the Imperial Diet supported the government and voted for the appropriations and loans it demanded. A smaller number maintained an attitude of protest and voted against all war credits. In the spring of 1917 these conscientious objectors seceded from the Social Democratic party and organized an Independent Socialist party. This new party included nearly all the Communists, but it included also Socialists of every shade of opinion. In the revolution the Spartacus group developed separate activities but retained its place in the Independent Socialist party. It was a minority group in a minority party. Throughout the revolution, even in the great industrial centers, the majority of the Independents stood aloof from the violent enterprises of the Spartacus group, and the regular Social Democrats everywhere outnumbered the Independents. The Independents, however, were more active than the regular Socialists in the agitations that preceded and accompanied the revolution, and the Spartacus group, some of whose leaders were in prison until October, was the most active of all.

In the organization of the revolutionary governments equal representation was regularly given to both Socialist parties. Liebknecht, however, and the other leaders of the Spartacus group refused to act with the regular Socialists; and the Independent members of the various governments were frequently at odds with their colleagues. Early in the revolution the Socialist leaders of both factions had promised that a constituent national assembly should be elected. The Spartacus group, like the Russian Bolshevists, opposed this plan; and many Independents were in favor of postponing the election until the revolutionary gains were consolidated. In Christmas week, 1918, the Independent members of the national government resigned their seats. Their places were promply filled by regular Socialists. In January, 1919, the Spartacus leaders organized a communistic insurrection in Berlin, with the avowed purpose of overthrowing the provisional

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national government. This insurrection was not supported by the majority of the workingmen; the soldiers were loyal to the government they had helped to establish; and the insurrection was crushed after fierce and bloody street fighting.

In his account of these movements Bernstein devotes particular attention to the dissensions in the Socialist ranks; but every phase of the revolution is clearly described, and the narrative is adequately documented.

On January 19 the election of representatives to the National Assembly proceeded throughout Germany with little disturbance. Of 421 seats the regular Socialists won 163. Even if the 22 Independent Socialists elected had been willing to act with the regulars—and the bitterness engendered by months of conflict made this impossible—the Socialists would still have been a minority party. Bernstein thinks that if the election had taken place earlier the Socialists might have obtained a majority; but he writes:

> Germany's economic situation and social grouping made its immediate conversion into a completely socialistic commonwealth impossible. . . . Even if the Social Democracy had obtained a numerical majority . . . the inclusion of the bourgeois republican parties in the government would have been imperatively demanded for the maintenance of the republic. It was moreover, a vital necessity for Germany as a nation.

Bernstein's book has the value of a narrative written from the inside, by one who played a part in the events he describes. Although he was little adapted by temperament for active political leadership, and although he held in the revolutionary government no more important post than that of adjunct in the Treasury, his recognized position as a socialist writer and an authority on socialistic theory gave him an influential voice in the councils of his party. Because of his consistent opposition to the war, he was a member of the Independent Socialist party, but he was more in sympathy with the regular Socialists than with most of the members of his own faction. This made him a natural intermediary; and whatever influence he possessed was exerted for conciliation, cooperation and peace. His history has also the value, unusual in contemporary accounts of stirring events and acute controversies, of objectivity and scrupulous fairness. His book should be translated. Printed in the form demanded by English readers, and furnished with an index, this first volume would make an octavo of nearly 400 pages.

MUNROE SMITH

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The Decay of Capitalist Civilization. By SIDNEY and BEATRICE WEBB. New York, Harcourt, Brace and Company, 1923.—xvii, 242 pp.

This is really a book on the decay of private ownership. It is not intended to be "constructive" and the writers point out in the preface that their constructive proposals are contained in *A Constitution for the Socialist Commonwealth of Great Britain*, in their *Prevention of Destitution*, and in the political program of the British Labor Party published under the title *Labor and the New Social Order*. It is, then, in view of these proposals that the destructive criticism of the book must be judged.

Most of this criticism we readily agree with. It is doubtful whether Roman or Southern slavery was more outrageous than some of the operations of modern capitalism. The Webbs quote Carlyle and Ruskin, and, indeed, much of their book is a modern version of the stunning blows of Carlyle. It is, in fact, the modern climax of all the terrific indictments of capitalism.

But when we come to the economic analysis of the situation and the distinctions made between various economic concepts, doubt arises as to whether the destructive criticism leads to any material advance over the messianic proposals of Carlyle or the esthetic protests of Ruskin.

The general position taken is that of Veblen and Sombart, that private ownership in the early days was associated with work and thrift, but is now associated with idleness and luxury. Benjamin Franklin is counted as "the founder of the American bourgeois ideal," as expressed when he wrote, "In order to secure my credit and character as a salesman, I took care not only to be in reality industrious and frugal, but to avoid the appearance to the contrary. I dressed plain, and was seen at no place of idle diversion; I never went out a-fishing or shooting." But "the leisure class of modern capitalism," contend the Webbs, "has lost the good and retained the bad features of both the aristocratic and bourgeois ideals" (p. 44, note).

The theoretical center of the book is the distinction between "owning" and "doing," and, although a distinction is made between owning things that yield "surplus value" and owning things that give only a return to "marginal cultivation" (p. 18), yet this distinction is not carried out, and marginal ownership is not treated differently from surplus ownership. Marginal ownership, we should say, is ownership where the owner must necessarily be a doer as well as an owner, and this continues to be the bulk of American ownership. Yet owner-

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ship as a whole is set over against production as a whole. Thus, for the United States the Webbs take an estimate made by Mackaye that, in the year 1890, "forty per cent of the national income was received as the reward for owning and sixty per cent as the reward for doing" (p. 17).

It is doubtful what can be meant by this assertion. The estimates of the National Bureau of Economic Research for the years 1909 to 1918 show that even in the highly organized industries the rewards of ownership—rent, interest and profit—range only from twenty-five to thirty-three per cent of the net product and wages sixty-six to seventy-five per cent. These produce one-third of the national income. In the other two-thirds of the national income, not highly organized, including agriculture, wholesale and retail trade, professional and other miscellaneous occupations, where owning and doing cannot be clearly separated, since the owners are mainly also doers, the share of owning must be considerably less than twenty-five to thirty-three per cent. It is doubtful whether we can say that more than twenty per cent of the total national income is the reward for mere owning, leaving eighty per cent as the reward for doing. This is simply because the great bulk of the doing is done by owners who are practically "marginal" owners.

That there is great inequality of personal income is undoubted. The Bureau's figures show that only one per cent of the income-receivers get over $8000 per year and they get nearly fourteen per cent of the national income. Eighty per cent of the income-receivers get less than $1800 per year and they receive fifty-three per cent of the national income. Yet these are personal incomes derived from both owning and doing. A fruitful distinction for practical purposes cannot be made on the mere basis of owning and doing. The farmers, who, on the whole, are "marginal owners," get less for both owning and doing than many others get solely for doing. A more useful distinction is that on the basis of the *kinds* of things owned, as to whether and how far their unlimited ownership retards or promotes industry, agriculture, etc. This is the distinction that capitalistic nations are actually making, more or less blindly; it is a distinction hinted at by the Webbs but not utilized; and its importance is blurred when mere owning is set over against mere doing.

It is the failure to make this distinction that obscures any workable distinction between rent, interest and profits, all of which are merged into an indiscriminate "reward for owning." Take, for example, the chapter on "The Nature of Profit-making." "The modern contro-

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versy", they say, "between the believers in a new order of social democracy and the most enlightened adherents of the capitalist system turns, in fact, on the efficacy or indispensability of the motive of profit-making and its defects" (p. 8). This statement obliterates entirely the distinction which comes down from early days of the Commonwealth in England, at the time of the protest against monopolies, between that kind of profit-making which enlarges the wealth of the nation and that kind which extracts wealth from others without furnishing an equivalent or more. The Webbs allow for this early justification of profit-making down to the beginning and perhaps middle of the nineteenth century (p. 100, *passim*) but they find inherent defects in the motive that have, in the modern situation, overcome the advantages. These disadvantages are adulteration of products, destructive competition, business crises, combinations, exploitation of labor, subserviency of brain-workers, exhaustion of natural resources, over-capitalization, excessive selling agencies, imperialism and war. These are big enough and true enough, but they do not necessarily lead to the conclusion that the profit-making motive cannot be regulated and the surpluses taxed as has been increasingly done during the past thirty years, rather than abolished. They do, indeed, raise the suspicion that modern democracy may not be able to cope with these abuses and may fail in the efforts toward regulation and taxation. If so, it will be largely because democracy and its thinkers blur the distinction between rent, interest and profits.

One almost concludes that the Webbs have put together this terrific indictment in order to "throw a scare" into the capitalists rather than as a serious proposal to abolish profit-making. They see the menacing reactionary power of capitalists and landowners since the war and the efforts to "drive back the mass of the population behind the positions gained during the last half century." They rightly appeal to their own eloquent record as scientific investigators and proponents of many progressive industrial and social institutions which might peaceably regulate or supersede capitalism. They have hitherto "never felt free to preach" or set up "a moral judgment of capitalism," but, having, as they say, during thirty years of investigation "done our best to survey the path to within sight of the goal, we may, without misgiving or malice, tell capitalism plainly what History will think of it when all the demagogues of our day are dead and forgotten" (p. 232).

JOHN R. COMMONS

UNIVERSITY OF WISCONSIN

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The Theory of the Balance of Trade. By BR. SUVIRANTA. Helsingfors, Suomal, Kirjall, Seuran Kirjap, O. Y., 1923.—171 pp.

The author, who was stimulated to this work by professors at the University of Helsingfors, introduces it with a modest disclaimer of any attempt to say the last word on the old theory of the balance of trade. He calls attention, however, to the inadequacy of the continental literature on the subject, and to the lack of any special treatment of it in English; he has provided a discussion free from some of the faults of predecessors, based on a wide study of the contemporary economic literature, and presented in good English form.

After a brief introduction the author analyzes what he terms the mechanism of the balance of trade. He traces the decline of bullionism, and in connection with the new doctrine of the balance discusses the principles by which it sought to estimate or regulate the trade of the country, the scope of the concept of balance (general and particular, trade and total indebtedness), and the criteria by which it judged the state of trade. The latter and longer part of the book seeks to answer the question why the writers of the period considered a favorable balance to be of such outstanding importance. Two chapters are given to a study of the views held regarding the nature and functions of money, and to a discussion of the actual importance of the precious metals in the peculiar circumstances of the age. The author is led to the conclusion that the theory of the balance of trade was a natural child of its time, and that in spite of its fallacies and insufficiencies it contained much common sense and evidence often of fine theoretical judgment.

In some respects the author's method appears to me open to criticism. (1) To simplify his task he renounces any attempt to treat the balance doctrines historically, and groups together the opinions of writers who were separated by considerable intervals of time. Now there was not, as he admits, any single "theory" of the balance of trade, and the tendency of his procedure is to obscure the process of development in the doctrines and to give them an appearance of unity which is misleading. He would have done better to recognize different periods in the development of ideas on the balance of trade (such, for example, as Dubois adopted in his *Précis*).

(2) A considerable part of the work, a part which in the opinion both of the author and of the reviewer, is most important, discusses the question what was in fact the part played by money in the history of the period. The author provides much that is suggestive and inter-

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esting, but he is not equipped to furnish a convincing answer to this very difficult question. In particular, he appears to underrate the development of credit in the period before it received public recognition by the founding of the Bank of England. The author is, frankly, not at home in the field of economic history. He scarcely realizes the seriousness of problems in economic history. One extract from the book will indicate his attitude toward them.

> The best evidence of the relative practicability, at least, of this "system" of mercantilism, in which, the balance of trade appearing as a criterion of the state of economic life, foreign trade was valued above home trade, and manufacture and trade above agriculture, is the fact that there is no proof, that, in England, home trade and agriculture were impaired by the system. The contrary seems, rather, to have been the case. (p. 159).

(3) The author confines himself too strictly to the economic aspect of things. One may not agree with Schmoller's extreme statement, "mercantilism was nothing but state-making." Yet it is dangerous, even in the study of views on the balance of trade, to disregard the tangled web of interests, military, political and social, which combined with the economic interest to make up the complex which we call mercantilism. The author could have given more vigor and vitality to his book if he had known Schmoller's work, and had studied Furniss' *Position of Labor in a System of Nationalism*. The reader feels too often a sense of unreality in the discussion as it is presented to him.

In summary, the author has succeeded in his design to advance our knowledge of the theory of the balance of trade, but has still left much for himself or others to do.

CLIVE DAY

YALE UNIVERSITY

Restoration of the World's Currencies. By R. A. LEHFELDT. London, P. S. King and Son, 1923.—xi, 146 pp.

In the Preface to *Restoration of the World's Currencies*, the author, Dr. R. A. Lehfeldt, who is professor of economics in the University of the Witwatersrand, at Johannesburg, assures us that he agrees, in the main, with the monetary policies suggested by the economic experts who were consulted by the Genoa Conference. This means that the book is, in the main, sound and timely. What it has to say about gold in relation to currency and prices and economic welfare generally is notable for clearness and good sense. The commercially distracted countries of the world could do nothing that would contribute more to

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their economic recovery than to heed the counsel of this book. But the immediate prospect is not bright. They have heard the same counsel, time and again; and they have heeded it not.

Their folly in obstructing trade in gold, the author clearly shows. "There is," he says, "no necessary connection between freedom of trade in gold and the use of the gold standard. In a country which uses paper money exclusively gold is merely a commodity like another, and there is no more use in restricting trade in it than in restricting trade in tin or zinc. The absurdity to which unreasoned attachment to traditional notions may lead is well illustrated in the case of South Africa, where the mining companies which produce 8 million ounces a year, are allowed to export and sell it in the best market, whereas if a private person wishes to take a few sovereigns with him on leaving the country, they are confiscated at the frontier" (p. 94).

The author is also right in holding that every government must face the question of fixing the price-level at which it wishes to attempt to stabilize the value of its currency (p. 9). No government can leave the price-level to be determined by "natural law", no matter how much it would like to do so. Its own financial operations constantly affect the purchasing power of money, no matter what the intentions of the government may be, and no matter how emphatically the government, or its banking agency, may deny that it has any concern with prices.

The author advocates agreement among nations concerning the weight of gold coins. Such an agreement, though of minor importance, is worth trying for. The differences in weights are accidental and serve no useful purpose whatever. Slight modifications would make the gold coins of all countries interchangeable without recoinage.

It goes without saying that Dr. Lehfeldt urges the immediate return to the gold standard on some parity, new or old, as the first step out of commercial chaos, and the control of the volume of currency in the interest of a stable price-level, with reference to an index number of prices, as the next step. His faith in the Sauerbeck index, however, as now continued by *The Statist*, is not fully justified. On account of the cumulative error involved in the method of constructing that index, it is to be hoped that British economists will soon resort to a better method.

The quantity theory of money, Dr. Lehfeldt says, was stated accurately by Ricardo, a century ago, and "if there are still a few writers who do not accept it, that is really due to a misunderstanding of what

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the theory implies, attributable perhaps to a lack of care in exposition." Unfortunately, Dr. Lehfeldt does nothing to clear up this misunderstanding, or to present a more adequate exposition of the theory than those which have aroused controversy, at times rather acrimonious, ever since Ricardo's time. On the contrary, it may be that Dr. Lehfeldt himself is too vague concerning the meaning of "money in circulation" and "inflation", and too much in error concerning the turnover of currency and of bank deposits, and the relation of the volume of bank deposits to the volume of currency, to have at hand the necessary basis for an adequate discussion of "the quantity theory." Indeed, nobody has yet gone far enough in analyzing and measuring the various factors that determine the purchasing power of money to arrive at a basis for a quantity theory of money that seems to the leaders of politics and of business to be of much practical value. The traditional statements of the theory, though valid, dispose of most of the practical difficulties with the phrase, "other factors being equal." Now, it is these other factors, which never are equal, with which we must wrestle if we are ever to arrive at a quantity theory of money that will have much effect on monetary policies. Meantime, it will do no good to berate men of affairs for their attitude toward "the quantity theory."

For the most part, as we have said, the author's ideas concerning the restoration of the world's currencies are sound and of great immediate importance. As much cannot be said, however, of his exceptions to the findings of the Genoa Conference. The international regulation of credit, as recommended by the Genoa Conference, seems to him "a difficult and dangerous plan." So it seems to many men. They overlook the fact that we always have some kind of international regulation of credit. The question at issue is not whether credit should be controlled but toward what end it should be controlled. That it should be regulated with a view to preventing excessive fluctuations in the purchasing power of gold is the view of the Genoa Conference. And this is the view that should prevail, regardless of the economic interests of South Africa or any other producers or owners of gold.

The author does well to point out that *ultimately* we cannot have even approximately stable prices on a gold basis, without regulating the supply of gold, or changing the weight of gold behind each monetary unit. It is pertinent to observe, however, that the present unprecedented gold reserves of the United States provide a unique opportunity for maintaining approximate stability of the purchasing power of the dollar, at least for a decade or two to come, without regulation of

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the supply of gold and without changing the weight of the gold dollar. If there were sufficient guarantee that the purchasing power of the dollar would be safeguarded in this way, it would be even more generally used throughout the world than it is today, as a standard of value. It could readily become, for all practical purposes, an international coin.

WILLIAM TRUFANT FOSTER
POLLAK FOUNDATION FOR ECONOMIC RESEARCH

History of Modern Europe, 1878–1919. By G. P. GOOCH. New York, Henry Holt and Company, 1923.—vi, 728 pp.

This new book by the well-known English historian is certainly an interesting contribution to the history of modern times; and its most valuable characteristic is its striking impartiality. Very few of the contemporary writers can boast of such a degree of detachment as Mr. Gooch possesses. The work is meant to be a continuation of Fyffe's admirable *History of Modern Europe, 1792–1878;* this is true, however, only to a certain extent, as the methods of historical investigation used by Gooch differ widely from those employed by Fyffe. Mr. Gooch's volume gives the reader a vivid picture and opens interesting vistas concerning the recent past of European nations. During these last years there has been published an enormous amount of historical material: all sorts of memoirs, reminiscences, stories of secret transactions, memoranda and documents of many kinds and different value; and it is a great merit to be able to give the reader, as Gooch does, a fair and general picture of the history of modern Europe. In fact it is the only impartial and scientific analysis of the historical events of the last forty years that we can rely on. The author, as he tells us in the Preface, was not interested in the internal development of the different nations, in their economic condition, political struggles or social structure. He intended to give only an analysis of diplomatic transactions and of their international relations, which led to the disastrous war. Reading Gooch's narrative concerning, for instance, the origins of the Great War, one can not help being impressed by the wonderful impartiality and power of generalization of the author. Still, when one considers the general value of the volume, one is bound to feel certain injurious limitations of the author's methods. Useful as the book always will remain for specialists, it will hardly satisfy the younger students or the public at large, because some sides of the recent historical developments remain unexplained and cannot be understood without a more substantial knowledge of the individual history of Euro-

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pean nations, namely of their internal conditions, left out of consideration by the author. Then, too, the general conversational method of exposition, used by Gooch, is the least satisfactory one for serious historical studies; the author describes only too often a whole period of time or a type of policy by reciting conversations, lavishly using quotations, words and phrases of individual statesmen; this we feel can be quite dangerous for an unprepared reader, who does not have a thorough knowledge of the rôle and character of the different European statesmen. Further, in some parts the book makes an impression of very hasty preparation, disagreeable slips being the unavoidable consequence. For example: Bülow was the fourth and not the third Chancellor of William II; Stürmer, when dismissed, did not retain his influence because of his rank as Imperial Chamberlain, a merely honorary function; Rasputin was no monk and it is high time historians should rightly appreciate his doings; Denikin's campaign in South Russia did not develop in 1919. On the other hand, one of the best features of the book is the exhaustive, interesting and so carefully collected bibliography, added to each chapter.

The narrative begins with the consequences of the Berlin Congress of 1878, a natural starting point for modern European history. The author gives us a fair picture of Russia's position and of the growing friction with England, especially in Central Asia. This certainly is a good introduction to the understanding of the new constellation of Powers, then forming in Europe. Chapter II is devoted to the complicated history of the Triple Alliance and the policies of Bismarck; the latter statesman has lost very much of his former prestige and lustre in consequence of modern historical discoveries. In Chapter III Gooch succeeds in giving the reader a wonderfully well condensed history of the "Scramble for Africa" in the eighties, culminating in the Berlin and Brussels Acts. England, France and Germany all get their deserved share of criticism for those African adventures; the Dark Continent was indeed a playground for European imperialism. In Chapter IV the author again reverts to the Balkans, describing the very complicated policy of Bismarck toward Russia, the reactionary influence of Katkoff on the Russian government (possibly exaggerating a trifle Katkoff's rôle), the Boulanger crisis and the stand taken by England. Out of all those events there grew in the eighties the famous Franco-Russian Alliance, described by the author in Chapter V. We have two points to make pertaining to this latter question; first, Gooch does not sufficiently emphasize the great change that took place in the policy of the Tsar, which led from Alexander's open dislike of

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France to an intimate alliance, and secondly, he quite wrongly represents Russia, instead of France, as taking the initiative. As a matter of fact, France succeeded in cajoling the Tsar into an agreement so foreign to his ideals and notions. The next chapter (VI) is devoted to a remarkable picture of William II; the author well describes his shortcomings, shallowness and pettiness, showing us how dangerous such a man can be in an autocracy, where his will is law and where the statesmen at the helm depend on the whim of a foolish ruler and on the freaks of flattery and court intrigues. Gooch gives us here a very good picture of the rising conflict between England and Germany, caused by senseless irritation, constant pinpricks and stupid ambitions of the Kaiser. Having effectively disposed of the latter, our author turns in Chapter VII to the Near East, describing in a summary way the developments in the Turkish and Armenian questions, the island of Crete included; and in Chapter VIII we once more go back to Africa, witnessing the Fashoda incident and some other examples of misunderstandings and rivalries between England and France. The title of Chapter IX is rather misleading; it contains a good deal more than a very impartial and detailed account of the "South African War", giving the story of Germany's great increase in armaments and a too brief account of the first Hague Conference. Chapters X and XI contain valuable and interesting contributions describing the great turning point, that was so fateful to the peace of the world, first the Anglo-French and later the Anglo-Russian entente, which the Teutons call the "Encirclement of Germany". In addition, Chapters XII–XIV give the details of the gathering dark clouds in the Near East and in Northern Africa, especially in Morocco; we can follow step by step the growing rivalry between Germany and the other Powers, leading unavoidably to an armed conflict. The only criticism that can be made concerning these entertaining chapters is the lack of attention of the author to the rôle of Germany in Russia. We find hardly any mention of the well-established fact regarding the Kaiser's intrigues, when he was egging the Tsar into the disastrous Far-Eastern adventure, in order to cripple Russia's power in the west. Berlin did succeed in thus neutralizing the meaning of the Franco-Russian Alliance. Chapters XV and XVI are probably the best ones of the whole book, the first one dealing with the Balkan wars, which were the prelude to Armageddon, the second one brilliantly describing the "Breaking of the Storm"; and the most attractive part of the narrative is the splendidly fair and detached summary of the "Cases" of the Powers participating in the World War; each of these cases is made up in its

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entirety, with absolute completeness and perfect justice; as mentioned above, no other writer has yet achieved this, notwithstanding the very great number of books on the origins of the war. We must note, however, in this place one serious omission: Gooch repeats several times that the root of the evil of pre-war diplomacy lay in the fatal division of the European Powers into two inimical camps and remarks quite rightly that this was the source of most of the troubles, but he does not mention, nor does he make it clear that the idea of a Balance of Power was the theoretical background of this division of nations and that the foremost champion of such a balance of Powers was his own country, Great Britain.

The following two chapters, XVII and XVIII, give an account of the events of the war, military as well as diplomatic, and contain a good sketch of the secret transactions and treaties signed by the different participants. In Chapter XVIII we also find the history of the various peace proposals and the way the latter were received by the belligerents. Finally Chapter XIX is devoted to the "Settlement" and to the unsatisfactory Versailles transactions, which led to outward peace, but also to inward troubles for poor, distracted Europe.

In summing up, we may say that the author has given us in his new volume an attractive and useful set of landmarks for the study of modern European history.

S. A. KORFF

Costs and Profits: Their Relation to Business Cycles. By HUDSON BRIDGE HASTINGS. Publication of the Pollak Foundation for Economic Research, Number 3. Boston and New York, Houghton Mifflin Company, 1923.—xi, 168 pp.

Professor Hastings sets forth the origin and thesis of his book in this way:

> In the spring of 1921, Mr. Waddill Catchings expressed the conviction that one of the most important underlying causes of commercial crises is that, in a period of business activity, "the sales price of goods offered for use in consumption exceeds the amount of money which consumers have available for expenditures." He believed that there was such a thing as general over-production of goods at the current level of prices, and that a careful study of business procedure and the flow of purchasing power would reveal the causes of such over-production. Acting upon these suggestions, the author proceeded with an analysis of the problem, the results of which are summarized in this volume.

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Prosperity, in other words, must produce a crisis unless business enterprises distribute in costs and profits an amount of money equal to the full value of their current products, plus all their receipts from other sources. For if those who buy goods have not an income equal to the value of goods sent to market, some goods must sell at a loss, and the losses will start an epidemic of failures.

The method of inquiry adopted is to analyze prevailing business practices in detail to learn at what points current disbursements fall short of current receipts. Professor Hastings finds that "wages, salaries, bonuses, premiums, commissions, royalties, interest and discount, rent, taxes, and transportation are virtually always paid currently." But the same is not true of bills for materials; delay in settling these accounts "sometimes prevents the creditor from making his current disbursements equal the full costs and profits of the goods which he is producing." And accrued depreciation is often "offset by increases in raw materials, goods in process, finished goods, accounts receivable, or by decreases in the amount of outstanding bank loans" —another practice which prevents disbursements from equalling output.

More important is the failure to distribute current profits promptly among shareholders, or, what would support demand quite as well, to invest them in ways which will augment some one's purchasing power. Undivided profits often "remain tied up in accounts or notes receivable, or are utilized to increase stocks of raw materials, goods in process, or finished product, or to reduce bank loans." In all such cases "productive industry fails to maintain a balance between goods produced and purchasing power disbursed."

Such is Professor Hastings' chief contention. Two supplementary points, however, should be noticed. (1) The accumulation of goods that cannot be sold because of inadequate income disbursements is checked in the early stages of prosperity by the building-up of stocks in the hands of middlemen and speculators. But as such stocks grow large, they become a potential source of supply in competition with current production. And once prices cease to rise for any reason (such as the inability of banks to finance a further increase in business, the attempt of large operators to unload, or some shock to confidence), the large stocks become a menace to everyone interested in the market. (2) The accumulation of stocks also causes trouble in another way: it aggravates the danger that the industries which produce tangible commodities will become over-expanded in comparison with industries producing intangibles. For intangibles

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cannot be stored, and so cannot feel the stimulating effect of forward buying and speculative operations in the earlier months of prosperity.

All this Professor Hastings develops with marked acuteness in a series of "imaginary experiments." For his way of working is the time-honored method of setting up an imaginary world, simplified to meet his needs, showing what will happen within it, and then gradually introducing complications which approximate those of reality.

He makes scarcely any attempt at statistical testing of his hypotheses. Those who are accustomed to rely upon quantitative methods are likely to grow restive before they finish the book, stripped though it is of all extraneous matter. Granting what Professor Hastings says about the prevalence of certain practices which delay the flow of purchasing power into the hands of consumers, the quantitative worker will ask to be shown how important are the factors involved, what are the lags, and whether the lagging disbursements may not be offset by certain anticipatory disbursements. In particular, are not wages generally paid some time *before* goods reach the retail markets? Does not this mean that, in a period of increasing activity, the largest single income stream rises faster than the goods it must float off the market? And is this anticipatory disbursement of income in pay-rolls checked until after the crisis has been brought on by other factors?

But the harboring of such doubts will not prevent even a hardened statistician from feeling grateful to the Pollak Foundation for this ingenious book. For there is nothing the statistician likes better than a new problem. That Professor Hastings has provided in most provocative form.

Wesley C. Mitchell

Les Idées Politiques en France au XVII^e Siècle. By Henri Sée. Paris, Marcel Giard, 1923.—371 pp.

This volume is a companion-piece to the author's previous study of French political theories in the eighteenth century, and deals with the political philosophy of the high tide of absolutism. In the first book of this volume the study traces the advance from Bodin's position that there are certain fundamental laws of the kingdom which not even the crown may transgress to the later doctrine which left no limitations upon royal power except those found in the conscience of the ruler. The significance of Richelieu, to whom he attributes the *Testament politique* and the doctrine of the *raison d'État*, is indicated; the failure of the Fronde through Joly and others to check the advance of the absolutistic theory, and the final triumph of the Bourbon doctrine of

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absolutism, sustained by the law and supported by the gospel, receive due consideration.

In the second book the writer discusses the rise of the anti-absolutist doctrines through the religious thinkers, both Catholic and Protestant, through the aristocrats as in St. Simon, the economists in Vauban and Boisguillebert, and finally the "Libertins" and the beginnings of the protest of reason against tradition and "*l'ancien régime*."

This field has already been traversed by numerous studies, including Professor Dunning's *History* and Figgis' *Divine Right of Kings*, to say nothing of numerous monographic studies, and the broader histories of the period. Dr. Sée's treatise, however, develops the political philosophy of the era in greater detail than elsewhere, and is the most useful analysis of this phase of the development of political thinking.

One might wish that more attention had been given to the economic conditions developing in France at this time, to the relation of political theory to the general advance in the art of thought, and to the influence of the English Revolution of 1688 upon the French people. The absolutist theory was the rationalization relied upon by certain groups struggling to hold and sanctify their power, and likewise the attacks upon this doctrine represented the rationalization of other rising interests not covered by this system or this formula. In the interplay of these interests and in their use of the existing mechanisms of thought, legal, religious, philosophical, historical or otherwise, will be found material for the scientific analysis of the development of political thought as well as the interpretation of the social forces of the time.

On the whole, Dr. Sée's volume is a scholarly treatise, constituting a solid contribution to the literature of the history of political ideas, and it will be welcomed by students of this period as well as by those who are interested in the evolution of the political mind.

CHARLES E. MERRIAM

UNIVERSITY OF CHICAGO

The Causes and Character of the American Revolution. By H. E. EGERTON. Oxford, Oxford University Press, American Branch, 1923.—vii, 207 pp.

In this volume, which contains the substance of lectures delivered at Oxford while he was Beit Professor of Colonial History, Professor Egerton presents the fruits of his study of the American Revolution. As an Englishman, and one who has made British imperial history his specialty, he naturally looks at the Revolution from the British and imperial point of view; his theme is the fall of the old British Empire,

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not the rise of the United States. But if his outlook is frankly and avowedly British in this sense, his attitude is by no means pro-British or partisan. He has some very severe strictures to pass on British colonial policy and administration (e. g., pp. 22, 25, 28–29, 46–47, 151, 200), and he does not permit himself to be misled by the contemporary Whig interpretation of the Revolution, which mars the historicity of Trevelyan's literary masterpiece and is responsible, as Mr. Sydney George Fisher has pointed out, for so much historical distortion. He dismisses as wholly inadmissible the view that all was well between Great Britain and the colonies till Grenville and Townshend launched their rash measures and believes that taxation merely precipitated a crisis that was bound to be reached sooner or later unless Great Britain completely altered her attitude toward the colonies (pp. 3–4). He inclines to the opinion that in "continually dwelling upon the past and minimizing the difficulties which had been ready to crop up, the Rockingham Whigs were living in a fool's paradise and were neglecting to look the existing situation in the face" (p. 193).

A colony, in the practice and theory of mercantilism, was a dependent community whose economic life was to be regulated in the interest of the mother country, and this ideal was sure to cause trouble when the colonists were men claiming the rights of English citizenship, with representative legislatures of their own. It involved the political ascendancy of Great Britain over the colonies, and not until it was abandoned could another conception of empire come within the range of British statesmanship. Mr. Egerton is acquainted with the writings of George Louis Beer, and he does not make the mistake of regarding the colonial system as wholly one-sided and neglectful of colonial interests. He thinks that its effect in promoting disunion may have been overrated, but he ventures the suggestion that "some American historians of today, in their reaction from the exaggeration and highfalutin of a past generation, are a little inclined to bend the bow the other way" (p. 68). Even if the Americans might have continued to acquiesce in the commercial system as it existed on paper, Mr. Egerton is well within the truth when he writes that "there is considerable evidence that the alterations and (from his own point of view) improvements in the system effected by George Grenville did seriously alarm and outrage colonial public opinion" (p. 63).

The British theory of the empire and the facts of colonial life were never brought into harmony. The practical constitutional relations between the component parts of the empire were not defined, though social, religious and political differences between Great Britain and the

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colonies, and the resulting lack of sympathetic understanding between them, made the failure to define a source of danger. Imperial control was strengthened during the first century of colonial history, but, says Mr. Egerton, "the extreme view of colonial rights lay dormant, ready to be revived at a suitable moment, and the national character of the people of the two continents remained as distinct as ever" (p. 19). The colonies were lost, in his opinion, "because the nature of the relation between the Mother Country and her colonies remained unsolved, and was, perhaps, at the time insoluble" (p. 4). He seems to think that such a cooperative alliance as virtually exists between Britain and the Dominions today could not have been realized in the eighteenth century, principally because it would have been incompatible with mercantilist ideals of empire (pp. 23–24), though in another passage he tells us that it is difficult to say whether a real union might have been formed on a basis of equality (p. 22). The statement (p. 200) that Franklin was almost the only man of his day to conceive of an empire based on equality among its component parts is incorrect. This conception, as Mr. Randolph G. Adams has shown in his *Political Ideas of the American Revolution*, was widespread in America on the eve of the Revolution, and was not beyond the grasp even of all Englishmen. As to the possibility of finding a solution of the imperial problem through the admission of colonial representatives to the British Parliament, which the author refers to, rather misleadingly, as "imperial federation" (pp. 10, 190), he deems it more than doubtful, in view of the deep-seated differences between Britain and the colonies, if the empire could have been held together "by any mechanical contrivance of an Imperial Parliament" (p. 191).

Mr. Egerton has made considerable use of primary sources, notably the *Reports of the Historical Manuscripts Commission*, but he has not always availed himself of the more recent secondary literature bearing upon subjects which he discusses. However, his volume is to be judged as what it is, a series of lectures and not a treatise based on exhaustive research. It is readable and interesting, and if the specialist in the history of the Revolution should find in it little that is novel to him, he ought not to complain, for it was not addressed to him. Englishmen do not know too much about the Revolution, and if what Mr. Egerton has written contributes to a better understanding of that many-sided event in his own country, it will render a useful service.

R. L. SCHUYLER

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The World Crisis. By the RT. HON. WINSTON S. CHURCHILL. New York, Charles Scribner's Sons, 1923.—xiii, 589 pp.

It is not surprising that the stormy petrel of British politics should, in his present retirement, elect to carry on the controversies of which he was the central figure. But this book is something more than the ordinary *apologia* that we have come to expect from the war lords. It is a vivid and moving narrative of the greatest events, each almost more dramatic than the one preceding; no politician or combatant who has rushed into print can compare with Mr. Churchill in historical *flair*, literary skill, or controversial powers, and it seems safe to say that when most of the war books are remembered only by professional historians, this volume will be cherished as literature of no mean order. Then there is the picture of the author himself, who is nothing if not a virile and masterful personality, and does not hesitate to claim credit for his achievements or accept responsibility for his mistakes. His four years at the Admiralty stirred that department to the depth, for no detail was too small for Mr. Churchill's restless energy; his lively imagination was constantly suggesting new problems to be solved, and his eye for the younger men caused some heartburnings among those jealous of their seniority. If some of his memoranda and minutes read like technical lectures to his expert advisers, his efforts to create a naval staff and his coordination of the navy's plans with those of the army were highly necessary if Great Britain was to be properly prepared for that war with Germany which, we are assured, was not believed in by either the British Parliament or the British Government, but the possibility of which was, for the latter, a constant preoccupation. So it is with justifiable pride that Mr. Churchill can write, as regards the situation in August, 1914, "At no time in all these last three years were we more completely ready".

For the Germans it must be a melancholy discovery that before the Agadir episode, the then president of the board of trade had joined with Mr. Lloyd George, at that time chancellor of the exchequer, in opposing large expenditure on the navy. For both of them the "*Panther's* spring" on the African port and the subsequent conduct of the German Government were disconcerting, to put it mildly. So it was on his own initiative that Mr. Lloyd George delivered his famous Mansion House speech, and it was with positive enthusiasm that Mr. Churchill, who henceforth "could think of nothing else but the peril of war", went to the Admiralty. No more striking evidence has been offered of the incalculable injury done to German interests by the in-

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temperate and brutal conduct of German diplomacy. The new first lord, in secret alliance with Lord Fisher, who had found in his "beloved Winston" a man after his own heart, went in for bigger and faster ships, bigger guns, and every device calculated to maintain British supremacy, and was able to carry the day with a reluctant cabinet and an unconvinced House of Commons. When Count Metternich, the German ambassador, ventured to defend the German position, Mr. Churchill boldly asked, "What was the use of having a weaker fleet? It was only another hostage to fortune." He rightly ridicules the notions of Admiral von Tirpitz that the building of a German fleet could terrorize the British people into meek acceptance of Germany's world policy; all it accomplished was to bring about military and naval conversations between England and France which created, as Mr. Churchill told Mr. Asquith in 1912, "all the obligations of an alliance". Very interesting also is the proof offered of the way in which military considerations dominated diplomatic procedure in July, 1914. "My own part", says Mr. Churchill, "was to make sure that the diplomatic situation did not get ahead of the naval situation, and that the Grand Fleet should be in its War Station before Germany could know whether or not we should be in the war, *and therefore if possible before we had decided ourselves.*" On the 29th, the necessary orders were given without the cabinet being consulted, although Mr. Asquith approved: "we were now in a position, whatever happened, to control events".

Perhaps the most astonishing fact revealed in the book is that on August 5, 1914, the British cabinet met to discuss the question, "How should we wage the war that had just been begun?" The twenty politicians had to decide how much of the British army should be sent to France and where it should be concentrated, and after having for years refused to adopt national service, they received "in silent assent" Lord Kitchener's declaration that "we must be prepared to put armies of millions in the field and maintain them for several years". Mr. Churchill's account of the naval war up to the end of 1914 is remarkably clear; in general he defends the Admiralty and throws the blame for mishaps and disasters on the commanders at sea. If his version of the escape of the *Goeben* and the loss of Cradock's squadron off Coronel have been sharply challenged by the critics, he is able to show that he acted on the advice of the naval experts. The attempt to save Antwerp was not one of Mr. Churchill's inspirations, but a policy approved by the cabinet, and at least it held up the German advance to the sea for five precious days while the Anglo-French armies were

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racing to save the Channel ports. His proposal for exerting pressure on Holland to open the Scheldt was rejected by the Foreign Office, as well as the Greek offer of alliance, which Mr. Churchill thought should be accepted because war with Turkey was inevitable.

On the whole, Mr. Churchill comes out of the narrative with a very creditable record, for the criticisms of his policy have to do, after all, with minor issues which did not affect the general situation or the ultimate result. Having been a soldier in his younger days, he possessed an understanding of war which was denied to his civilian colleagues, and he was probably the best man for his post.

BERNADOTTE E. SCHMITT

WESTERN RESERVE UNIVERSITY

Socialism and Character. By HENRY STURT. New York, E. P. Dutton and Company, 1922.—214 pp.

There are two major reasons why many men whom society has treated kindly become socialists. One is the concept of a society organized along less wasteful and more economic lines than that of today, while the other is a vision of a world in which the material basis of life will be more conducive to the development of a noble character than is now possible. Although the second of these considerations is by far the more important, because of the scorn which Marx and his tough-minded followers have heaped upon the Utopians, it has been somewhat bad form in strict socialist circles to bring it to the fore. The author of this little book, who is a lecturer at the University of Wales, does well to concentrate his attention upon the evils which a competitive economic system exercises upon character and upon the improvements which a properly devised system of socialism might produce.

The system of socialism proposed is eclectic. Production is not only to be carried on by the territorial forms of the state but by producers' guilds, philanthropic bodies and consumers' cooperatives as well. Private industry will be retained to discover new needs and to satisfy individual distinctions of taste, but exorbitant private gains will be drained off by means of inheritance taxes. All workers will be assured a comfortable living. This will mean a curtailment in the standard of living of the wealthy but not of the professional class, who will continue to live on much the same scale as now. Wives are to be made financially independent of their husbands through the medium of state allowances which are to be augmented by additional allowances

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for each child. These will enable the intellectual class to have more children and thus prevent our civilization from "dying out at the top." At the same time, the state through the agency of committees of of women will regulate marriage and limit the number of children in the inferior strains.

Since men will be freed from the domination of capitalists and women from that of men, truckling for favor and other servile qualities will disappear, to be replaced by a firm manliness and self-respect. The present poor will become more patriotic because of the fact that they will at last be given a stake in the soil. Life will indeed become a common enterprise and the spirit of unity, based upon a community of interests, will imbue the citizens of the commonwealth.

The present meritricious standards of taste which dominate art and literature will give place to a development along simpler and more sincere lines. Woman, freed from her subservience to man, will raise the moral level of society, both within and without the family relationship. Through collective ownership, the workers will regain the initiative in the conduct of industry which they lost by the advent of the factory system. At the same time, we are told that government will become infinitely more powerful than today and that there will be great opportunities in the public service for men to satisfy their desire for domination. How both of these *desiderata* are to be secured at the same time is nowhere explained, save by the statement that "the governors of the future will be firmly based on righteousness."

Manifestly the degree to which the faith of the socialist will be realized under these conditions depends in large measure upon the extent to which mankind can master its machinery of government. To create such great leviathans as is proposed might result in merely replacing the domination of the capitalist by that of the bureaucrat. The author gives no evidence of having thought at all deeply on this problem of democratic control, contenting himself with the proposal that elected representatives should receive adequate salaries. No attention is paid to such proposals as administrative decentralization and proportional representation. Finally, the author is a firm believer in the ultimacy of the national state and a scoffer at internationalism. "What human brotherhood may mean exactly, I do not know. . . . If it is meant in the literal meaning of the words, it is a piece of sentimental cant, always false and often mischievous," which "becomes still more absurd if we think of Englishmen treating as brothers all sorts of foreigners and savages—all the black and yellow men, the Fuegians, the Andamanese and pigmies of central Africa." A federation of even the

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European nations is impossible and undesirable save as a self-protective measure against the yellow races of the East.

The British Empire must be maintained unabated in order to afford "a life of action" under the English flag for the more adventurous English youth. Englishmen will rule these and other lesser breeds without the law, because "the basis of our predominance is simply the personal superiority of the Englishmen to the men of the subject races, a superiority which is mainly moral." The world must be made safe, in other words, for the exportation of Englishmen to positions of control over other races. That other nations may also believe in their own superiority and in their mission in turn to dominate the rest of mankind does not seem to occur to this chauvinistic mind.

The inevitable result of such nation worship as the author favors, even though accompanied by internal socialism, would be almost continual warfare. Unequal population pressures upon natural resources would alone be a sufficient menace to peace but combined with an aggressive imperialism, would inevitably cause prolonged wars. Character, the *summum bonum* which the author rightly seeks, could not improve in such a life of strife. Cruelty, sex license, a brutal contempt for life and a fierce intolerance, are engendered inevitably by the very process of killing. If there are any who doubt this, a study of the degradation in the character of the populace of Athens during the Peloponnesian Wars and of Europe and America during the last war should convince them. If capitalism has slain its millions, then militarism has slain its tens of millions.

No system of purely national socialism will give us those qualities of good-will, humility, and charity which the world needs so desperately today. If we are to attain to these fruits of the spirit by changes in the political and economic structure, we must conceive our problem in a more generous spirit and seek a solution which will be fair to other races than our own.

PAUL H. DOUGLAS

UNIVERSITY OF CHICAGO

The Control of Wages. By WALTON HAMILTON and STACY MAY. New York, George H. Doran Company, 1923.—xi, 185 pp.

The Control of Wages is a more important contribution to economic theorizing than economists in general may be prepared to admit. If it fails of a wide circulation in academic circles, it will be because of the book's unconventional flavor, especially the apt and amusing chapter headings from the writings of Peter Finley Dunn, not because the sub-

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ject matter does not go to the heart of the wages question. Its central argument is as follows: Present wage theories are unrealistic. Upon review they are shown to be fallible. The factors which in practice actually do influence wage amounts must be objectively analyzed in every given case. These factors (p. 107) are determinable, and to a considerable extent measurable as well. More wages cannot be paid to manual workers—their control cannot be exercised to increase their income—except under rigidly fixed conditions. These general conditions are three: an increase in the nominal wage, a reduction in price levels, an increase in the laborer's "free income". Wages in the individual plant or industry may be raised out of an increment furnished in one of the following ways: (1) By an increase in prices; (2) by taking a margin from profits and corporate savings; (3) by taking a margin from the unearned increment on natural resources; (4) by reducing the salary payroll; (5) by greater economy in the purchase of raw materials. After further consideration of the possibilities of wage increases out of improvements in the industrial arts, the authors conclude that "the factors upon which a wage return rests are, one and all, customs, habits, practices, conventions, and arrangements, all of human contrivance and all subject to human guidance."

The book concludes with the proposition that the way to greater material welfare lies in an increase of the wealth out of which income is paid:

> The discovery, conservation, and utilization of human resources; the improvement of the quality of management; the development of technique with its increased power over "natural resources"; the expansion of industrial equipment; and the perfection of the internal organization of establishments are all problems of significance to wage-earners. Their solution calls for a comprehensive and constructive program which will never be fully realized because each gain from nature, each victory from a stubborn industry, is a challenge to new gains.

Such very briefly is the thesis. It will be seen that it is a hard lesson which the book has to teach. The workers are not here misled into any easy solutions. This is an honest, penetrating, forward-looking treatment of how wages are determined and may be controlled. Its most serious short-coming is its absence of quantitative data and discussion. No reference is made to existing statistics regarding the amount of national income and the facts of its distribution among the different economic groups. It is also to be regretted that what seems to the present reviewer to be needless duplication and repetition

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has not been eliminated. Nevertheless, the book is deserving of a permanent place among those economic documents which have fundamental importance because they clear new ground and start new ways of looking at old problems.

ORDWAY TEAD

NEW YORK CITY

The Middle Ages. By FR. FUNCK-BRENTANO. Translated from the French by Elizabeth O'Neill. New York, G. P. Putnam's Sons, 1923.—vii, 554 pp.

This volume is the fourth to appear of the series known in English as the *National History of France* of which Mr. Funck-Brentano is the editor. It covers a much longer period than any of the preceding volumes, tracing the history of France from the breakup of the empire of Charles the Great through the reign of Louis XI. It is written in spirited style and with considerable dramatic skill. The author has read widely in the literary sources for the history of his country and he possesses the art of weaving into his narrative excerpts from them which serve not merely as illustration but which carry forward the argument.

In writing the book the author had in mind primarily the needs of the general reader little versed in the early history of France. The student will get pleasure and suggestion from its pages, but he will look in vain for a balanced, critical evaluation of men and events. Emphasis is upon the episodic and the anecdotal rather than upon the attempt to understand the underlying forces which operated to shape the ideas and institutions of the country. Philip Augustus is a soldier and Louis IX chiefly a crusader; to the administrative reorganization of the former is dedicated approximately one page, pretty much lost between the the thirty-odd pages in which are recounted his military exploits. One hundred pages are consumed in the discussion of the Hundred Years War, twelve in discussing the universities. Useful and illuminating chapters there are on the art and literature of the period, but the picture of the actual life of the people in agriculture, industry and trade is not very complete nor is it searching.

There are no hesitations. There is no careful weighing of the evidence, no balancing of *pro* and *con*. The author has arrived at his own conclusions; other points of view are either ignored or mentioned only to show how seriously scholars have erred. Philip IV, for example, is entirely transparent. "This young prince was one of the greatest kings and noblest characters in history" (p. 420). Obviously it is impossible to discuss critical problems in a book of little

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more than five hundred pages, which attempts to survey some six centuries of history, but it is a question if the presentation would not have been more effective had there been exercised a shade more reserve in the handling of moot problems.

The book as a whole creates the impression that the author has, rather more obviously than in most cases, chosen his materials to prove a particular thesis, to wit, that the Middle Age was superior to most other periods in the world's history, that feudalism was a wholly admirable institution, and that France was then, as now, the originator and disseminator of western civilization. French writers of the twelfth century produced the greatest epic poetry of all time; "the *Chanson de Roland* takes place above all which has ever been written" (p. 55). The age of Philip Augustus may be compared only with the Athens of Pericles, of Phidias and of Sophocles.

Running through and conditioning the whole story is the thesis that France, political and social, is an outgrowth of the family. During the turmoil attendant upon the breakup of the empire of Charles the Great "in the midst of the storm the family endures, grows stronger, and draws together. . . . The State no longer exists; the family takes its place" (p. 6). The feudal household, consisting of the lord, his immediate kin, his vassals, free tenants and serfs, is the family writ large. "The family becomes for men a country. . . . The baron—which word means 'master'—at the head of the fief is the head of a family." Master and servant are bound together by ties of mutual service and affection; the master protects, in return he receives devotion and service. Kingship springs from the family. Through the process of attachment, each one to some higher lord, one finally arrives at "the supreme fief, the keystone of the whole edifice, which is commanded by the suzerain of all the French suzerains—even to the King in his keep of the Louvre . . ." (p. 20). Urban centers spring from the same root. "Like the vassals in the country, the burgesses love their lord, without whom they could not live" (p. 125 *et seq.*). "What the father is to his children the baron is to his faithful followers, the patrician to his artisans, the great feudal lord to his vassals, and the King to his feudatories" (p. 160). Only when feudalism had done its work, when in the thirteenth century society had become settled and the need of protection was no longer felt, did the feudal privileges and feudal dues seem burdensome.

The picture is attractive and it possesses elements of truth. But the central idea, the tracing of the whole structure back to the family, is at least debatable and needs more proof than the author has here

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adduced. He supports his argument by quotations from the courtly songs and epics. It is questionable whether such testimony can be accepted, as the author does accept it, without criticism. On the whole the picture is too favorable and this is tacitly admitted in the pages where the Truce of God and the Associations of Peace are under discussion (pp. 160–161).

Complete accuracy must, however, sometimes be sacrificed for clarity and brevity. Despite the above criticisms the book is easily the most readable summary of the history of medieval France which we have in English. In it the attempt is made to touch every side of the varied and rich life of the time. Its *parti pris* is so transparent that the reader may easily make his own adjustment. It has the virtue of being interesting. One could even forgive the robust note of chauvinism did not the word "Boche" occur all too frequently.

AUSTIN P. EVANS

Au Canada. Par MARÉCHAL FAYOLLE, ALBERT BESNARD, BLÉRIOT, JEAN BRUNHES, COMTESSE DE BRYAS, MARQUIS DE CRÉQUI-MONTFORT CORRÉARD, J. DAL PIAZ, SÉNATEUR DANDURAND, J. L. GILMOUR, M. GUÉNARD, F. GUILLOTEL, G. LOUIS-JARAY, MGR. LANDRIEUX, COMTE DE MASSIGNAC, G. MENIER, FERDINAND ROY, COMTE ET COMTESSE DE WARREN, M. WEBSTER. Préface de M. GABRIEL HANOTAUX. Paris, Librairie Félix Alcan, 1922.—viii, 270 pp.

Of the special missions conveying messages of gratitude and friendship from France sent after the war to several countries, that to Canada was unique in the breadth of its make-up. Its organization was entrusted to the *Comité France-Amérique*, which for some years had been working for fuller understanding and sympathy between France and the nations of the Americas. MM. Gabriel Hanotaux and G. Louis-Jaray, president and director of the *Comité*, suggested the appropriateness of making the mission to the Dominion as variously representative of France as possible, in order to strengthen the peculiar bonds of tradition already existing between the two countries. Accordingly, while given a military head, the mission comprised representatives of a wide range of peaceful activity. The party spent ten busy days in the Dominion, voicing France's greetings of admiration and gratitude to cordial throngs at Montreal, Quebec and Three Rivers, Ottawa, Toronto and Hamilton. At Quebec, on the Plains of Abraham, it delivered to a French-Canadian battalion (the 22nd)

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a flag sent by the unit's honorary colonel, Marshal Foch. At Ottawa, it donated to the Dominion Parliament a bust by Rodin, representing France.

The volume in hand records the gracious task of this mission. The detailed journal, with its report of official doings and recital of formal greetings and responses, is relegated, however, to an appendix, and the main bulk of the volume treats of Canada and Canadian affairs. First of all, quite appropriately, is recounted the war-time effort of Canada, both military and charitable. Then follow chapters on a wide variety of aspects of the Dominion's life, such as religion, both Catholic and Protestant, military and naval services, merchant marine, public finance, commerce and industry, railways, agriculture, economic relations with France, nationalism, French-Canadian culture and language, the rôle of French Canada in North America, with also several chapters chiefly impressionistic of the journey. The numerous illustrations are from photographs taken informally en route and are mainly of personal interest, showing members of the party and other celebrities.

Members of the mission are severally responsible for most of the book, though a few chapters are contributed by other Frenchmen and by Canadians. Some contributors write with special knowledge of their topics. Here and there, however, one observes a superficiality that involves error of fact or distortion of perspective. Figures of population and railway-mileage are in some places given incorrectly or with misleading incompleteness (pp. 82, 150, 168), though elsewhere accurately (pp. 80, 87 *et seq.*). It is erroneously stated (p. 161) that each provincial legislature has two houses, and that the lieutenant-governors represent England. A picture of merely the West Block of the Parliament Buildings at Ottawa (Pl. XXVI) is miscalled "*À Ottawa: Le Parlement.*" Another, showing members of the party at the entrance to the Legislative Building at Toronto (Pl. XXVII), is styled: *A Toronto: L'Université.*" Several chapters have misleading titles. For example, that on "*L'Agriculture Canadienne*" takes almost no notice of anything east of Manitoba; that on "*Le Canada Religieux et le Catholicisme*" virtually limits its survey to French Canadians. It is to be expected that visiting Frenchmen discovering French Canada for themselves should be most interested in that section of the Dominion, but their natural enthusiasm hardly justifies statements implying that Canada is mainly French. Yet the president of the *Compagnie Générale Transatlantique* writes (p. 63) that French is "*la langue en usage dans une grande partie du Canada et princi-*

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palement dans les campagnes." An annotated bibliography of nearly fifty titles is headed: "*Les Principaux Livres sur le Canada*," but the works listed are chiefly on French Canada. To characterize Garneau's famous *Histoire du Canada*, which brings its story down only to the union of 1841, as giving the whole history of the country must surely be a slip of the pen.

But the volume is primarily a warm record of grateful emotion, and that being so perhaps one should not expect it to be edited with meticulous care. In any event, students with ready access to the standard sources of information on Canadian history and current affairs would hardly by preference seek ordinary facts in a book of this nature. For the general reader in France, however, considerable significant information is here available, of the sort calculated to stimulate a Frenchman's interest in and sympathy with the Dominion. And for all students of Canada, especially of her relations with France, the publication has permanent interest as the record of a unique mission gracious in its conception and execution, and doubtless fruitful in the promotion of understanding and good will.

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BOOK NOTES

What is described as "the authentic French view of the war and the peace" is set forth by M. René Viviani, in *As We See It* (New York, Harper and Brothers, 1923; 314 pp.), and the interest of the book lies rather in this fact than in its value as a source for, or reasoned judgment upon, recent history. The distinguished lawyer and orator who was premier of France in July, 1914, replies to the *Memoirs* of William II by a passionate indictment of Germany as a land of war and a portrait of the ex-emperor first as a "great actor", then as a "clown", and ultimately as a bloodthirsty megalomaniac. Then he launches into a vivid analysis, based on the secret Austrian and German documents published in 1919, of the diplomatic crisis preceding the outbreak of the war. There can, of course, be little doubt that the failure of the negotiations was due to the mingled insincerity and incompetency of German diplomacy and the intervention of the German general staff; and the marginal notes of William upon the dispatches, which are quoted at length, furnish an adequate reply to the asseverations of innocence made by him in his *Memoirs*. But M. Viviani is very dogmatic upon such controversial questions as the Potsdam Council of July 5, when the decision for a European, as distinct from an Austro-Serbian war is alleged to have been taken, or the famous edition of the Berlin *Lokal Anzeiger* on July 30 prematurely announcing German mobilization, which is alleged to have caused the Russian general mobilization; not unnaturally, perhaps, he can see only sinister motives in the activities of the German ambassador in Paris, whose version of the rupture between France and Germany is contested in several points. But the real criticism of the book is not that M. Viviani presents the conventional French view, which was to be expected, but that he has not offered a considered account of French policy in the pre-war period. The documents published in recent years from the Russian archives, which reveal some things not to the credit of France, are being ably, and often unscrupulously, exploited by her enemies, and French politicians and writers cannot afford to ignore this evidence. M. Viviani was in a position to answer the charge of undue complaisance to Russia and to throw much new light on dark places; it is a pity that he has not risen to his opportunity. The translation is somewhat crude, and in several places inac-

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curate, there are many mistakes in dates, and proper names are more than once badly misspelled.

Since the Peace Conference of Paris the oracles of pessimism have grown ever more numerous, and ever more insistent. But not all the prophets of disaster are wholly lugubrious. For example, in Mr. H. N. Brailsford's *After the Peace* (New York, Thomas Seltzer, 1922; 158 pp.) it is not difficult to detect an accent almost of exultation, though the words seem to speak only of disaster. Mr. Brailsford laments the tragic condition of Europe, but perhaps it is not wholly unfair to add that he reveals a certain grim satisfaction in demonstrating that his theories have been vindicated. "It was the fated march of economic Imperialism"—described in his book on *The War of Steel and Gold*—"in all countries which led to this war and this peace." And imperialism was "an inevitable development of the capitalist system" (p. 24). Capitalism, "based on profit as its motive force" (p. 9), has revealed a "suicidal" lack of the spirit of fraternity. Perhaps, Mr. Brailsford suggests, this moral fault is the reason for the shortage of bread, clothes, and houses in Europe today. "Can capitalism feed Europe?"—such is the question with which he confronts us. The answer is not given directly. But the events of the past few years are passed in self-incriminating review. The peace conference failed because it ignored economics. "One does not save civilization by drawing maps. One saves it by food and fuel" (p. 18). Lloyd George with his "khaki election" and Woodrow Wilson with his "rhetoric" about democracy failed to avert the catastrophe, albeit "if Mr. Wilson had been less of a moralist and more of an economist, we might have had a tolerable peace" (p. 20). But "Paris was absorbed in strategy and knew nothing and cared nothing about the human tragedy, the ruin of millions, which followed its reckless exercises in map-drawing" (p. 45). Unless "the decay is arrested, the urban civilization of Europe will be as dead as the culture of Babylon, and there will survive only peasant communities, narrow, reactionary, and clerically-minded" (p. 34). The "riot of nationalism and particularism" in Europe since the peace is not a manifestation of vigor, but a "symptom of decay" (p. 53). In the midst of the ruins, stalks the rude figure of militarism, indifferent to the "finer values of European culture", posting Senegalese sentries in Goethe's house at Frankfort (p. 73). Yet, "even at this late hour", Mr. Brailsford believes, "the British Empire could save Europe (p. 156), by ending the alliance of victors, cancelling debts, reducing indemnities, and persuading Germany, Russia, Italy, the former Habsburg states, and any

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others who so desire, to join with Britain in an Economic League. Such a League would ration raw materials, allocate credit and instruments of production, and unite British and German workshops in the task of filling common needs (pp. 152–156). If capitalism is strong enough to frustrate this effort, the question is answered—"capitalism has evolved on suicidal lines," and the sentence may either "ring out as the rallying cry of a revolution", or it "may stand upon the tombstone of a defeated civilization" (p. 158).

Less epigrammatic, but hardly less pessimistic is a little volume entitled *If Britain is to Live* (New York and London, G. P. Putnam's Sons, 1923; xiv, 175 pp.) by Norman Angell. "We fought," he says, "to make the world safe for democracy only to find that the democracy which our war produced, violent-minded, blind, clamant for contradictory things, had made human society itself unsafe" (p. 37). Democracy has become unsafe for the simple reason that editor and demagogue alike have found it more profitable to pander to popular prejudice than to confront the common people with uncomfortable realities. Telling wholesome but unwelcome truths alienates voters and readers. This thesis is convincingly demonstrated in the case of reparations. Mr. Angell reminds us that "the most immediately mischievous element" in the reparations tangle—the inclusion of pensions and allowances—"was introduced by Britain" (p. 157). It was introduced, he believes, because the Northcliffe Press, pandering to an uninformed public, demanded that Germany pay the whole cost of the war, and because Lloyd George, lacking courage to defy his electorate, yielded to the clamor. No limit was placed on the sum to be exacted, because, as Mr. Lloyd George informed Parliament on August 3, 1922, Clemenceau would have shrunk from asking the French public to accept a reasonable figure (pp. 17–25). Salvation can be found only by facing the facts. The British Isles, the author continues, have "at least twice as many people as their soil can support at any standard adequate to what we know as civilization" (p. 45). This "excess population", now maintained by exchanging manufactures and services for the surplus food products and raw materials of other countries, would be compelled to starve or emigrate if foreign countries should cease to produce a surplus. The cause for alarm is the fact that the foreign surplus has declined as a result of the war, the peace treaties, and post-bellum nationalism (pp. 87–105). Imperial Preference for the British Empire will not cure the evil; it could only lead to an intensification of the struggle for power; and power does not make prosperity (ch. iv). The "Great Illusion" that

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military power is economically profitable has been definitively refuted by the events of the past few years, Mr. Angell takes melancholy pleasure in telling his imperialist critics. And now the only remedy that can save Britain (and Europe) is "economic internationalism". There must be "a formally recognized international 'Code of Economic Intercourse'" (p. 54) dealing with tariffs, concessions, raw materials, markets, etc. Precisely what provision the Code should make regarding these matters, Mr. Angell does not inform us. It is not the "numbered clauses of a programme" that we need, he explains, but a different general policy, a political pragmatism that will make economic internationalism practical by first believing that it is practical (ch. v). The reader, unless he has been convinced, will still ask for a more specific study of practical proposals. And hypercritical reviewers will perhaps complain that Mr. Angell's statistics are not invariably sound, or that he underestimates the possibilities of intensive agriculture, or that even a controversial book ought not to contain such slips as the careless implication (p. 125) that in the Entente Cordiale agreement of 1904 England promised to help France overturn the Act of Algeciras—which was signed in 1906.

The *Third Year Book of the League of Nations* (Brooklyn, The Brooklyn Daily Eagle, 1923; 434 pp.) by Dr. Charles H. Levermore, secretary of the League of Nations Union and of the New York Peace Society, like its predecessor, the *Second Year Book of the League of Nations* (Brooklyn, The Brooklyn Daily Eagle, 1922; 423 pp.), is a convenient and accurate manual of the activities of the League as well as of closely related international affairs. Eschewing all partisanship and even interpretative comment, Dr. Levermore has given us a bare chronicle, interspersed with documents. Such a compilation does not make the most entertaining reading, but its very neutrality renders it the more valuable as a handy reference manual whether for Irreconcilables or for Covenanters. The record of meetings of the Council and Assembly and the accounts of the administrative activities of the League are condensed with admirable discrimination from the official publications which now issue so plentifully from Geneva. Perused in chronological order they produce an impression of complex, almost bewildering activity, of mingled triumphs and defeats; one cannot say the League has failed, or that it has succeeded, but only that in some spheres, especially in administrative and humanitarian work, it has achieved much, whereas in certain other respects it has met with obstacles and even failure. Earlier handbooks on the League, such as Professor George Grafton Wilson's *The First Year of the League of*

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Nations (Boston, Little, Brown, and Company, 1921; xii, 94 pp) and Arthur Sweetser's *The League of Nations at Work* (New York, The Macmillan Company, 1920; 215 pp.), were either too fragmentary or to unreservedly enthusiastic to provide a basis for critical judgment. The man in the street oversimplified the question by regarding the League as merely an international organization to enforce Article X, or to preserve the *status quo*, or to prevent war. Only with the more complete records before us can we appreciate the significant fact that the name of the League covers a multifarious congeries of enterprises, some new, many old, some certain to continue and develop, some dubious. To be convinced of this fact, one needs but to run through the gamut, from African mandates or anthrax prevention to the traffic in women, as these are dispassionately chronicled by Dr. Levermore. For this purpose, perhaps the arrangement might have been improved. Interlarding copious international news items and following a chronological rather than a topical sequence may enable the consecutive reader to form a more comprehensive judgment of the year's events, but a topical summary such as that given in the brief *Handbook on the League of Nations 1920–1923* (Boston, World Peace Foundation, 1923; 332 pp.) is more illuminating for the student who wishes to appraise the diverse functions of the League.

During the closing months of the Great War and the early months of peace, Mr. Henry Arthur Jones, the English playwright, viewing with alarm a world sadly out of joint, was moved to set down his "hot discursive thoughts" in the form of a letter addressed to the Right Honorable H. A. L. Fisher, President of the British Board of Education. These articles have since been published as *Patriotism and Popular Education* (New York, E. P. Dutton and Company, 1920; 314 pp.). Mr. Jones is first of all concerned because "Shakespeare is banished from the English stage," and he is indignant because the Education Acts forbidding the employment of children under fourteen "tend both directly and indirectly to shut out Shakespeare and the better forms of modern drama, and to throw wide open the stage doors of our theatres to mediocrity, scatter-brained frivolity, and romping imbecility" (p. 58). From this point he goes on to patriotism, observing that not only has "Shakespeare gradually disappeared" with the progress of popular education, but that patriotism has been deplorably neglected as well. He considers it undeniable that nations have often profited spiritually as well as materially by war and asks, "Does not a righteous war almost certainly bring spiritual enlargement and enlightenment and enfranchisement to the nation

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that submits to its iron discipline, and offers its purifying sacrifices?" (p. 105). Indeed "no nation has won an enviable or conspicuous place on the earth's surface, and established itself in some sort of security, except by means of war. No nation has risen to influence and power, or to any high degree of civilization, without conquering some of its neighbors" (p. 138). He believes there is an instinct of patriotism, as of religion, and urges the minister "to leaven our whole system of Popular Education with a sober resolute patriotism", and to add more training in the duties of the soldier. "Internationalism" is violently denounced and blamed for "that filthy mass of corruption, fraud, massacre, disease, and anarchy which now festers in the vitals of the Russian people" (p. 197). Mr. Jones urges that the immediate interests of the individual child in the majority of cases are opposed to the interests of the state and that children should be educated not to develop them in their own interest, but in that of the state. Popular education he feels should be devoted very largely to vocational training and military drill for the boys, and to domestic arts for the girls, with plenty of patriotism and character-building for both. It is not quite clear, to the American reader at least, how popular education is "responsible for widely spread vulgarity and shoddiness" (p. 245) or just how it has so degraded the popular taste and amusement and sapped the foundations of patriotism, but Mr. Jones is absolutely certain of his ground, though it seems a little inconsistent for him to pay tribute so often and so emphatically as he does to the British armies then in the field. No reader can fail to note either the heat or the discursiveness alluded to in the opening sentence of the preface.

No doubt all is not well with England, but conditions scarcely warrant such apprehensions as are expressed by an anonymous author, who calls himself "An Overseas Englishman", in a volume entitled *England* (Boston and New York, Houghton Mifflin Company, 1922; 272 pp.). The burden of his lament is that the "English spirit" has been submerged and is in imminent danger of being destroyed. How, he seems to ask, can one be hopeful of the future of Englishism when, at a critical moment in their history, the English saw their prime minister a Welshman, the leader of their House of Commons an Irish (*sic*)-Canadian, their foreign minister a Scotchman, their chief justice a Jew, the commander of their armies a Scotchman and the admiral of their fleet an Irishman? The reader may find himself less sure of the distinguishing characteristics of the "English spirit" than of the author's conviction that it is wholly good and that it cannot be modi-

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fied though it may be extinguished. We really need a history of the literature of lamentation. It would contribute to a sounder evaluation of much of the writing that has been inspired by the war and its aftermath. For England alone the list of jeremiads would be a long one, beginning with the *Liber Querulus* of the Welsh monk Gildas, who saw in the Anglo-Saxon "whelps from the kennel of barbarism" God's scourge on the degenerate Britons, and ending, say, with Dean Inge's *Outspoken Essays*.

Number 23 of the Preliminary Economic Studies of the War, published by the Carnegie Endowment for International Peace, consists of five monographs, edited by Professor Charles Gide, under the general title *Effects of the War upon French Economic Life* (Oxford, Clarendon Press, 1923; 197 pp.). The first of the series, written by M. Henri Mazel, presents a statistical survey of the French merchant marine and shows that it not only escaped serious depletion during the war but is today in process of reconstruction "on a larger scale than ever" and largely by private enterprise. Progress toward concentration of administrative activities having to do with the merchant fleet is noted with approval, and the eventful creation of a separate ministry of merchant marine is predicted. In "The Effects of the War upon the French Textile Industry" Professor Albert Aftalion shows that prior to 1914 this industry had, in most parts of the country, an excellent mechanical equipment and an adequate technical and commercial organization and had gained complete control of the home market, almost complete control of the market in the French colonies, and a goodly share of the market in foreign countries. As is indicated by the fact that imports of raw textile materials declined by seventy-five per cent between 1913 and 1918, and that in the last-mentioned year France had become an importer of manufactured textiles, the industry suffered severely from the war—the woolen and linen industries most, the cotton industry somewhat less, and the silk industry least of all. Rehabilitation is going on, but rather slowly, if only for the reason that new equipment in the principal field of the textile industry, i. e., the liberated regions, still remains largely to be supplied. A second paper by Professor Aftalion sketches French commercial policy during the war and since, pointing out that the return in 1919 to the pre-war protective policy was merely a provisional measure calculated to adjust the customs duties to the new price conditions, pending the time when the latter should become more stable. The author notes a considerable growth of free-trade sentiment among his countrymen. The war's effect on public finance is described by Professor

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Bertrand Nogaro, and on labor by Prefessor William Oualid. Both monographs tell a sorrowful tale, yet both end with a note of optimism, and even of confidence. All five studies bear witness to the care with which the ambitious series to which they belong has been planned and is being executed.

It seems to be the habit for the editors of the Japanese Monographs issued by the Carnegie Endowment for International Peace to take credit on the title page for what others have written and then to explain in a preface who is the real author. Thus, Ogawa's *Expenditures of the Russo-Japanese War* (New York, Oxford University Press, American Branch, 1923; xvi, 257 pp.), is really by Hisashi Oyama, of the Kyoto University; Ono's *Expenditures of the Sino-Japanese War* (New York, Oxford University Press, American Branch, 1923; xv, 330 pp.), is really by Keiichi Asada of the Department of Finance; and Ono's *War and Armament Expenditures of Japan* (New York, Oxford University Press, American Branch, 1923; xviii, 314 pp.) is really by Hyoye Ouchi. The method of attack in each case is the same: a brief historical survey of the military events, a consideration of the means used to raise money and the amount spent, a study of the effects on the money and industrial markets of the country, a conclusion that there was progress and development after each of the wars, a halting suggestion that perhaps the investigation has not been carried far enough, and—strange parallelism—a little touch of sentiment and figurative phrase in the concluding sentence of each volume, which denies the validity of the entire thesis created by the data accumulated. The closing dates for the statistics of two of the volumes are very close to the wars covered; the final figures for the general survey volume run only to about 1913. This is very good for history, but of small value for a view of modern conditions. There are bibliographies and tables of statistics and charts. And it might as well be said in closing that the bibliographies are not very extensive.

No field offers more fruitful prospects for statistical cultivation than that of money and exchange markets. Statistics are accurately collected and preserved in the chief markets of every important country, and the student is thus free to study various kinds of correlations. A recent work is *An Academic Study of Some Money Market and Other Statistics*, by E. G. Peake (London, P. S. King and Son, Ltd., 1923; xi, 63 pp.). The ground covered is indicated by the chapter headings: material and methods used; rates of interest and discount in London; the London-Paris Exchange; the London-New York Exchange; calculation of an equation for the prediction of the

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future floating rate; on variations in the prices of commodities. Mr. Peake discovers a number of interesting correlations between short-time and long-time money rates and exchange rates, Chapters ii-v inclusive display real unity, but Chapter vi stands rather alone and shows little or no relation to the earlier chapters. It contains, however, a number of independently interesting points.

American students particularly will welcome the study by Professor Guillermo Subercaseau of the *Monetary and Banking Policy of Chile* (Oxford, The Clarendon Press, 1922; xi, 217 pp.). The development of the economic life of the South-American countries has heretofore been known only in fragments, but studies like this will do much to make our knowledge complete. Professor Subercaseau's study contains sixty-four chapters each of which runs only a few pages. The treatment is thus highly compressed, perhaps too much so, but at any rate the reader is never bored with superfluous detail. One fact that stands out after a perusal of the book is that monetary principles tend to work out in the same way, all over the world and under widely different economic conditions.

Dr. Soren J. M. P. Fogdall in his *Danish American Diplomacy* (University of Iowa Studies, Iowa City, University of Iowa, 1922; 165 pp.) deals with relations between Denmark and the United States from the events of the American Revolution to the transfer of the Danish West Indies. The most interesting themes treated are the rights and duties of neutrals in sea war, and the often tangled skein of interests, individual and national, which makes the settlement of claims against governments so leisurely an affair when handled by diplomacy. The part of the United States in securing the abolition of the Sound Dues, and the various stages of the negotiations for the purchase of the Danish West Indies are the other main themes in Dr. Fogdall's monograph, which is well documented.

Mr. Philip Davis, lecturer at Boston University, has brought together a very useful collection of selected readings under the title of *Immigration and Americanization* (New York, Ginn and Company, 1920; xii, 770 pp.). More than half the space is devoted to the history, causes, characteristics, changes, and effects of immigration, and recent legislation, the section on history being rather brief and unsatisfactory. Book II on Americanization deals with policies and programs, distribution of immigrants, education, naturalization and citizenship, and the meaning of Americanism. The selections represent some differences in point of view, though less than would be desirable, and the reports of the United States Immigration Commis-

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sion and other government reports are quoted. Teachers both in college and high school can use this collection to advantage in several types of course now becoming common.

It is from the point of view of the influence of war organizations on post-war practices that G. D. H. Cole's study of *Workshop Organization* (London, Clarendon Press, 1923; (Carnegie Endowment for International Peace; xvi, 186 pp.) is significant. For purposes of the Carnegie Endowment study, the book is necessarily a dispassionate study, heavily documented, and for reference purposes the appendices will have permanent value. Aside from this, the student of experiments in industrial government will find the description of workshop organizations during the war interesting, even if no conclusions can be drawn from them, since the surrounding conditions were so untypical. The final chapter on the possibilities of workshop organization is the most suggestive. The author rightly emphasizes the fact that in the structure of industrial control there is a place for properly constituted workshop organizations no less than for nationally organized labor unions. The suggestions regarding further use of collective contracts as a next step beyond collective bargaining are distinctly illuminating.

Mr. Daniel Bloomfield has in his *Problems in Personnel Management* (New York, The H. W. Wilson Company, 1923; xvi, 557 pp) made a valuable and necessary addition to his readings in employment management. Indeed, the present book may be considered as a companion volume to the earlier readings in employment management. As before, the compiler has brought together a considerable array of useful material from sources where they would otherwise be difficult to find permanently. Good judgment, on the whole, has been shown in selecting records of experiments which are significant and typical of the best tendencies in personnel procedure. If any critical comment were to be made, it would be to the effect that the subjects which constitute the several chapters are of uneven importance. Had the compiler considered what are the usually recognized major functions of a personnel department and arranged his material into chapters corresponding to the functional divisions usually represented in personnel work, the grouping would have been both more logical and more useful. In regard to the topics which are treated, however, the data supplied will prove most useful.

The Golden Rule in Business by Arthur Nash (New York, Fleming Revell Company, 1923; 160 pp), purports to be the history of the A. Nash Company of Cincinnati and its successful operation under the

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"golden rule" since 1919. The book contains much of interest for the student of industrial relations, perhaps its most significant contribution being the revelation of the spirit of Mr. Nash himself. The reflection of his personality is valuable, and on the whole inspiriting and refreshing. Minds direct and candid enough to try to make rigorous application of simple and fundamental religious and ethical precepts are all too rare, and Mr. Nash appears to have this kind of mind. His discussion of social Christianity has vigor and persuasion. But the portions of the book which actually detail the working methods employed in his factory and the results secured are disappointing in their indefiniteness. Too many questions arise for which no answer is given. How do his wages compare with the union scale for similar jobs? What is his attitude toward collective bargaining with the Amalgamated Clothing Workers of America? What exactly have been the reductions in unit costs in successive years? Who has power regarding discharge? A hundred questions about personnel and production policies present themselves. They are only answered by the general statement that Mr. Nash has no system, but that a truly fraternal spirit governs. Yet if we know anything today about management, it is that the right technique is as indispensable as the right spirit. And as to the former, hardly a word is offered.

An unusually complete and scientific analysis of the incentives which have been offered to employees since the time when the employer was the feudal lord of the manor, is to be found in *Employee Welfare Work* by Louis A. Boettiger (N. Y. Ronald Press, 1923; vi, 301 pp.). The author defines welfare work as "the effort of the employer to establish and maintain certain standards in respect to hours, wages, working and living conditions of his employees which are neither required by law nor by the conditions of the market". Because of the similarity of purpose and even of method with modern welfare activities he has studied the work of the medieval manor, of the guild, and of the early nineteenth century. This historical study is particularly intensive and readable. For the pioneering stage of the last century Robert Owen is taken as representative of the work in England, l'Eclair in France, the Krupps in Germany, and the work of the Merrimack Cotton Mills of Lowell in America. This method of using the work of various companies as specific examples is followed in the second half of the book when the developments of modern welfare work are described. He finds that the work in this country falls into three fairly clearly defined stages: first, indefinite and spasmodic attempts by the employer, usually paternal in character; the second

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stage is reached when these activities are delegated to a trained person having very little authority; and the third when they are recognized as major staff functions and administered by specialists with considerable authority. He estimates that the majority of the industries of this country doing welfare work are in stage one, about one-third are in stage two and very few in stage three. In its various stages welfare work includes the activities for additional training and knowledge which increase efficiency, the direct monetary incentives to production, the guarantees against economic insecurity and the guarantees for health and physical well-being. In America these activities have been adopted with the idea of good works or social duty and more recently with a feeling of competition with the unions, rather than because of a primary wish to increase prosperity in business. The present demand for increased production offers to welfare work a challenge which has not been met by wage incentives or by scientific management.

F. Lee Benns' monograph on *The American Struggle for the British West India Carrying-Trade, 1815–1830*, which was awarded the Justin Winsor Prize in 1920, has been published in the Indiana University Studies (vol. x. no. 56, 1923, 207 pp.). It need scarcely be said that the work is a model of painstaking research, particularly in the printed sources and newspapers. It is the story of the contest between the two governments in legislation and negotiation, persuasion and coercion to secure the maximum advantage with a minimum of concession, culminating in the reciprocity agreement of 1830. The minutely detailed treatment of the legislative and diplomatic aspects probably explains why the author felt compelled to limit himself to this portion of the story of the West India trade, which had played an important part in American history since colonial times. Comparatively little attention is given to the actual commerce over which this whole struggle raged or to the relation of the commercial struggle to its political counterpart, though the importance of the trade to all parties is clearly, if briefly, noted. Within these limitations, however, the work is a distinct contribution to American commercial and diplomatic history.

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